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St. Helena

Working paper prepared by the Secretariat

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I. General

1. St. Helena,[1] which is a Non-Self-Governing Territory administered by the United Kingdom of Great Britain and Northern Ireland, consists of the island of St. Helena and two dependencies: the island of Ascension and a group of small islands forming the dependency of Tristan da Cunha.

2. Situated in the South Atlantic Ocean, approximately 1,900 kilometres from Angola and 2,900 kilometres from Brazil, St. Helena is a small island of volcanic origin. The Territory comprises a total land area of 412 square kilometres: Ascension lies 1,200 kilometres to the north-west of St. Helena, and Tristan da Cunha and the other small islands are approximately 2,400 kilometres to the south. The island of St. Helena, where Jamestown, the capital of the Territory, is located, is the largest island, with an area of 122 square kilometres. The islands enjoy a tropical climate tempered by trade winds that blow throughout the year. They have distinctive flora and fauna, with many rare or endangered species.

3. The inhabitants of St. Helena are known as "Saints" or St. Helenians and are of mixed origin (see para. 5 below). According to the 1998 census, 5,010 people lived on St. Helena. However, at July 2003, the St. Helena Statistics Office estimated that there were between 3,750 and 3,800 inhabitants on the island, meaning that a quarter of the population had left in just over five years. The Office noted that, following the reintroduction of granting British citizenship for Saints in 2002, the island had experienced an exodus. In 2006, the population was 4,157 inhabitants.[2] While it is difficult to provide an exact forecast of the future population, it is likely that the high emigration numbers will be reduced, since most people with a desire to leave the island have already done so and the population in the age groups most likely to leave has been depleted. Approximately one third of the population resides in Jamestown. English is the official language of St. Helena. Access to St. Helena is provided by the RMS *St. Helena*, which serves St. Helena, Ascension, Walvis Bay, Namibia and Cape Town, South Africa. The nearest airstrip is located on Ascension.

4. Following extended consultation between the Government of St. Helena and the Department for International Development of the Government of the United Kingdom, it was announced in March 2005 that the Department would provide funding for the construction of an international airport on St. Helena. With recent announced delays, the airport is now expected to become operational by 2011-2012, when the RMS *St. Helena* will be retired from service.

5. St. Helena was discovered in 1502 by the Portuguese navigator Juan da Nova on St. Helena Day, 21 May. It was an uninhabited island. Its existence was kept secret until the English seafarer Thomas Cavendish came upon it in 1588. In 1633 the Netherlands claimed the island but did not occupy it. In 1658 a charter from the Lord Protector of Britain authorized the British East India Company to colonize and fortify the island, which was subsequently settled by the English. Slaves were brought from Africa, Madagascar and the Far East. Chinese and some Indian indentured labourers were brought to work on the island. King George II issued a charter to the East India Company setting out how the island should be fortified and

[1] The information contained in the present paper has been derived from published sources, including those of the territorial Government, and from information transmitted to the Secretary-General by the administering Power under Article 73 *e* of the Charter of the United Nations.

[2] Information provided by the administering Power, January 2007.

governed. In the charter, the King also gave the inhabitants full English citizenship in perpetuity. Napoleon Bonaparte was exiled to St. Helena from 1815 until his death in 1821. St. Helena became a Crown Colony in 1834. In May 2002, St. Helena celebrated the five hundredth anniversary of its discovery.

II. Constitutional, legal and political developments

6. The St. Helena Constitution Order of 1988, which entered into force on 1 January 1989, replaced the Constitution of St. Helena and dependencies introduced on 1 January 1967. Under the 1988 Constitution, the Governor and Commander-in-Chief, who is appointed by the United Kingdom Government, administers the Territory. He is assisted by an Executive Council and a Legislative Council.

7. The Legislative Council comprises the Speaker, three ex officio members (the Chief Secretary, the Financial Secretary and the Attorney General) and 12 elected members. The Executive Council, which is presided over by the Governor, consists of the ex officio members and five of the elected members of the Legislative Council. Although a member of the Legislative Council and the Executive Council, the Attorney General has no vote in either body.

8. Elections are held by secret ballot, at intervals of not more than four years, by universal suffrage for those aged 18 years and over. While two political parties exist, they have been inactive since 1976 and elections have been held on a non-partisan basis. The most recent general elections were held on 31 August 2005, when 12 candidates representing two constituencies were elected to the Legislative Council. The elections marked a change in the number of electoral districts. Two districts (East and West) replaced the former eight constituencies. Michael Clancy, appointed in October 2004, continues his tenure as Governor of St. Helena, Ascension and Tristan da Cunha.

9. In June 2006, a draft bill to make provision for the representation of the British overseas territories in the European Union and in Parliament was presented by a Member of Parliament, Daniel Kawczynski. The bill proposed that the British overseas territories be represented in the House of Lords through the appointment of "two, three extra peers", who would represent all 14 British overseas territories; it also called for the provision of specific assistance through the United Kingdom Representative Office in Brussels to overcome bureaucratic hurdles when applying for funding from the European Union. According to Mr. Kawczynski, the bill would give the British overseas territories the ability to have representation where needed, which he hoped would "reverse the dissatisfaction" that some British overseas territories felt towards the Foreign and Commonwealth Office and "how it ignored them and their concerns". He also pointed out the "tremendous military benefits" that these territories and their surrounding waters added to the military outreach of the United Kingdom, while stating that the United Kingdom Government had "a duty and responsibility" to look after the territories both at home and in the European Union. Following parliamentary procedure, the bill will receive a second reading in the House on 12 May 2007 and be printed as Bill 168.[3]

[3] *St. Helena Herald*, 16 June 2006.

10. The Constitution of St. Helena provides for the separation of the judiciary from the Government. The legal system comprises a Court of Appeal, a Supreme Court and a Magistrate's Court, with a final appeal procedure lying open to the Privy Council of the United Kingdom. Local legislation is generally applied. However, where no local legislation has been enacted, the laws of the United Kingdom are applied to the extent applicable to local circumstances.

11. In January 1983, when the British Nationality Act came into force, St. Helenians had their citizenship rights taken away. From that time until 2002, the islanders worked through the Legislative Council and the Citizenship Commission for the restoration of their rights. Following the entry into force of the British Overseas Territories Act of May 2002, which provides British citizenship to the people of the United Kingdom's territories, St. Helenians regained their right to British citizenship. Under the Act, St. Helenians may hold British passports and may also work anywhere within the European Union.

12. Extensive negotiations and public consultations in relation to constitutional reform and modernization have been carried out in St. Helena since 2001. Desiring a system of government that would give more responsibility to locally elected representatives, the Government of St. Helena entered into discussions with the United Kingdom and engaged the services of an independent constitutional adviser to assist with examining options for constitutional reform and drafting a new constitution for the Territory.

13. In October 2002, following consultations with the adviser, the Legislative Council announced its proposed constitutional changes, which included a three-tier system of ministerial government (comprising a Legislative Assembly, a Cabinet (with the Chief Minister as President) and an Executive Council (with the Governor presiding)), Legislative Assembly elections conducted partly on a multi-constituency and partly on an island-wide basis, the popular election of the Chief Minister and the inclusion of a bill of rights, to ascertain whether they were well supported by the public.[4]

14. The final draft constitution was completed following additional rounds of negotiations in 2003 and 2004. The new constitution proposed three main changes to the existing constitutional system in St. Helena:

- Government by reference to the partnership values
- New guarantees of fundamental human rights
- A two-tier ministerial form of government

Further details on the proposed constitutional changes are contained in the 2005 working paper (A/AC.109/2005/14, paras. 11-25).

15. Following extensive negotiations and public consultations, a consultative poll was held on 25 May 2005 on St. Helena to determine whether St. Helenians wanted to adopt the new constitution. The United Kingdom had stressed that it would not bring the new constitution into force until it received a clear signal from St. Helenians that they wished to adopt the draft constitution.

[4] Ibid., 11 October 2002.

16. St. Helenians who voted in the consultative poll rejected the proposal by 52.6 per cent against and 47.2 per cent in favour. The new ministerial system of government was particularly controversial, whereas the human rights chapter and the partnership values declaration received more public support.[5] Members of the Legislative Council resolved to continue constitutional reform by incorporating the popular changes into the framework of the existing Constitution and working to streamline the current Government. For the 2006-2007 financial year, the Department for International Development made £100,000 available for the restructuring and modernization of the St. Helena Government.[6]

III. Economic conditions

A. General

17. In 2006, St. Helena continued to face the economic challenges associated with a shrinking tax base, an ageing population and the exodus of skilled individuals leaving in pursuit of higher wages offshore. St. Helena's heavy dependence on aid from the United Kingdom and other external funding for capital and technical investment allows the population to enjoy a higher standard of living than local resources would otherwise be able to sustain. St. Helena's gross domestic product (GDP) per capita for 2006 was £3,100. The budgetary support from the United Kingdom is used to meet essential public services and to subsidize the Territory's dedicated shipping service.[7] In real terms, aid from the United Kingdom has declined over the past decade, and this has had an effect on the St. Helena economy, although the aid still accounts for about 35 per cent of recurrent and all public investment expenditures. As well as supporting the Government's annual budget, much of the capital investment in the Territory is funded through the Department for International Development.[8]

18. A visit to St. Helena by Department for International Development representatives to discuss the 2006-2007 aid package took place between 26 February and 6 March 2007. The aim of the visit was to start to put in place a new partnership to lay the foundations for the new era that St. Helena is entering with the introduction of air access and the prospects for transforming the economy. The St. Helena Government has been drafting a sustainable development plan, which formulates the policy approach for moving towards sustainable development in the period leading up to the opening of the airport.

19. The strategic objectives of the plan seek to establish the future path for St. Helena's economic and social development. The plan for 2007-2008 and 2009-2010 sets out a broad development strategy, which is supported by a vision and six strategic objectives, outlining the commitment of the Government of St Helena to the redevelopment process. It is the aim of the St. Helena Government, through this sustainable development plan, to charter the Territory's social and economic transformation. All departments within the St. Helena Government are expected to

[5] Ibid., 3 June 2005.

[6] Ibid., 23 June 2006.

[7] United Kingdom Overseas Territories Department, Department for International Development, press release, 14 March 2005.

[8] www.sainthelena.gov.sh.

produce business plans which are linked to the sustainable development plan, still in draft form. A target date for June 2007 has been agreed by the St. Helena Government for finalizing the plan, following wide consultations with the public, the private sector and civil society.

20. It was also agreed that the production of the sustainable development plan provided the strategic framework to move to a three-year package of support until 2010. The three-year rolling framework would be reviewed every two years. As an incentive to implement policy decisions that would enable the St. Helena Government to deliver on the sustainable development plan and maximize economic benefits flowing from airport construction and related development, all parties agreed that St. Helena will be able to retain and reallocate any budgetary savings in the recurrent budget made from efficiency measures and/or higher domestic revenues within the three-year framework. However, the recurrent budget also has a "hard budget ceiling", which means that any overspends will have to be met by in-year reprioritization or expenditure savings.[9]

21. The six strategic objectives that had been agreed to with the Department for International Development and the Foreign and Commonwealth Office and approved following consultations with the population in 2003 remain the following:

- Improved access
- Improved standard of education
- Development of a sustainable and vibrant economy
- Development of a healthy community in a safe environment
- Promotion and development of a sustainable workforce
- Continuing development and establishment of democratic rights, human rights and self-determination of the people.

22. According to information provided by the administering Power, total budgetary aid, development assistance and shipping support from the United Kingdom Government was £14.761 million for the 2006/07 fiscal year, compared to £13.126 million during the previous period — a 12 per cent increase. The United Kingdom approved the new aid package in June 2006.

23. Back in 2003, the Foreign and Commonwealth Office had established an economic diversification programme budget to assist the British overseas territories to diversify and enhance their economic base and thereby lessen their dependence on one or two sectors. The programme provides a source of funding to support small enterprises and entrepreneurial talent to launch new business activities in the Non-Self-Governing Territories, in particular, but not exclusively, in non-traditional areas. Financing from the programme budget has been used to set up a small business expansion scheme in St. Helena, worth £150,000 per annum for three years.[10] The programme is managed by the St. Helena Development Agency. In April 2005, the Agency approved a new loan policy, which aims to fund projects that contribute to the growth and diversification of St. Helena's economy.[11]

[9] Information provided by the administering Power, March 2007.

[10] www.sainthelena.gov.sh/lifestyle.

[11] *St. Helena Herald*, 22 April 2005.

24. In addition, in order to facilitate private-sector development, the St. Helena Government established policies that focus on creating new enterprises, privatizing existing State-owned assets, and vocational training. According to the administering Power, the private sector is projected to grow as a proportion of the total economy from 30 per cent in 2004 to 40 per cent in 2015.[12]

B. Development projects

25. St. Helena has also received assistance from the United Nations Development Programme (UNDP) since 1997, when the first country cooperation framework between UNDP and the St. Helena Government was approved. In 2002, the UNDP Executive Board, however, decided to cease assistance following a transition period. This decision was based on the fact that the aid provided by the United Kingdom had contributed to an increase in St. Helena's GDP per capita, which exceeded the established GDP threshold for UNDP assistance. Therefore, activities under the last ongoing project, concerning training and retraining for long-term unemployed, are to be completed by the end of 2007.[13]

26. St. Helena is also eligible to receive funds from the European Union. In July 2004, the European Commission announced that €8.6 million had been allocated to St. Helena from the European Development Fund for the period from 2004 to 2007 to improve access to the island, promote economic development and contribute to the reduction of aid dependency.[14]

27. In 2005, several major infrastructure projects were made possible on St. Helena thanks to funding from the Department for International Development and the European Development Fund. The projects included road rehabilitation and improvement and the installation of two new 1-megawatt diesel generators. In addition, existing generators were successfully refurbished and three wind turbines installed. Although the turbines provide significant cost savings, they are, according to information from the administering Power, unreliable. Upcoming development projects include a wharf improvement project, currently under review by the European Development Fund. The wharf project follows the 2005 cliff stabilization above the wharf and other key areas of Jamestown prone to rockfall. The Department for International Development has also approved £1.1 million to upgrade water-supply systems, which should improve security of supply and quality of water on St. Helena. The waste-disposal project is in the implementation phase, while vocational training and water-catchment hydrology have been completed. Other projects that are either awaiting approval from the Department for International Development or are currently in the planning stage include a wastewater project, the upgrading and extension of the electricity network, offshore fishing and the installation of additional wind turbines.[15] At an Executive Council meeting in December 2006, a wind-generation project was discussed, following agreement that wind turbines should be encouraged for environmental reasons.

[12] Ibid., 15 April 2005.

[13] Information provided by UNDP, February 2007.

[14] http://europa-eu-un.org/articles/lt/article_3725_lt.htm.

[15] Derived from information transmitted to the Secretary-General on 12 January 2006 by the United Kingdom of Great Britain and Northern Ireland under article 73 *e* of the Charter of the United Nations and from published sources.

During the 2006 development aid planning mission by the Department for International Development, amounts of £100,000 for the fiscal year 2006/07 and £350,000 for the fiscal year 2007/08 were set aside within the aid framework in order to procure additional wind turbines.[16]

C. Agriculture and fisheries

28. Fisheries are an important sector in St. Helena's economy. In 2004, two St. Helenian fishing vessels developed the capacity to fish beyond the 12-mile inshore waters of the island's 200-mile exclusive economic zone. There are 30 fishing boats with commercial licences. The local fishermen sell their catch to the St. Helena Fisheries Corporation. The volume of fish exported for the financial year 2005/06 was 376 metric tonnes.[17] A number of international companies have been granted licences to fish in the waters off St. Helena and Ascension, and these licences have at times contributed up to 20 per cent of all local revenue.

29. St. Helena has developed a reputation for the high quality of its coffee and fish. St. Helena's coffee is considered one of the finest premium coffees in the world. Its wild fish are the first to receive organic certification from the Soil Association, the United Kingdom's leading campaigning and certification organization for organic food and farming.[18]

30. With regard to farming, in August 2005, a drip irrigation project was completed, connecting 69 farmers to St. Helena's new irrigation system. In June 2006, a new agriculture subsidy programme for farmers took effect. It is hoped that, as well as assisting farmers, the subsidies will also help keep agricultural produce affordable.[19]

D. Transport, communications and utilities

31. St. Helena has approximately 120 kilometres of surfaced roads and 20 kilometres of earth roads. A public transport system was launched in November 2003 by the St. Helena Government.

32. In 2005 and 2006, a considerable amount of road work was completed. The road projects included resurfacing 90 kilometres of highway, patching 56 kilometres of road, cleaning 329 kilometres of road verge and building 300 metres of safety railing and 120 square metres of retaining walls. Two district and four community roads were also completed during this period.[20]

33. The only port, Jamestown, provides good anchorage, although the building of a breakwater would allow passengers of large cruise vessels to come ashore in all

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[16] www.sainthelena.gov.sh, 13 December 2006.

[17] Derived from information transmitted to the Secretary-General in January 2007 by the United Kingdom of Great Britain and Northern Ireland under article 73 *e* of the Charter of the United Nations and from published sources.

[18] www.sainthelena.gov.sh.

[19] Ibid., 12 May 2006.

[20] Derived from information transmitted to the Secretary-General on 12 January 2006 by the United Kingdom of Great Britain and Northern Ireland under article 73 *e* of the Charter of the United Nations and from published sources.

types of weather. As previously mentioned, since there is currently no airport or airstrip on the island, its only link with the outside world continues to be the RMS *St. Helena*, owned and chartered by the St. Helena Shipping Company, Ltd., which plies between St. Helena, Ascension, Walvis Bay, Namibia and Cape Town, South Africa.

34. The planned international airport on St. Helena will be funded by the Department for International Development subject to satisfactory bids for a contract to design, build and operate as well as a rigorous environmental impact assessment. In August 2006 three tenders for the design, build and operate contract were withdrawn because of contractors' concerns about the risks attached to the procurement process. However, all three contractors expressed continuing interest in being involved in the project. In response to the concerns raised, a team of surveyors was asked to carry out a topographic survey of the seabed near the site for the planned airport, which would help reduce risks for the contractors in the future.[21]

35. According to the *St. Helena Herald*, on 9 February 2007, four contractors had expressed a formal interest in bringing air access to St. Helena, by submitting capability statements for the airport design, build and operate contract by the deadline of 7 February 2007. Consultants will carry out an evaluation of these statements on behalf of the Department for International Development and the St. Helena Government. It is anticipated that a shortlist of three consortia will be approved, which will then be invited to submit full bids against an invitation to tender, likely to be issued in the second quarter of 2007. The evaluation will consider the technical capabilities of the consortia to deliver such a complex project, involving airport construction and operation, and marine engineering. It will also examine the proposals for developing capacity and generating employment on the island, in both the construction and the operation of the airport.[22]

36. The cost of undertaking the airport project has not been disclosed, as the Department for International Development considers that disclosure of cost estimates could prejudice the competitive tender process. However, recent estimates for the airport construction are reported by the media to be around £80 million.[23] On the strength of the planned airport, the United Kingdom proposes to phase out all financial assistance to St. Helena by 2030.[24]

37. The announcement by the Department for International Development that it would fund the construction and operation of an international airport on St. Helena was, in general, welcomed in the Territory, although some Saints have expressed their concern about the environmental impact on the island. The proposed airport will be located on Prosperous Bay Plain on the eastern side of the island. The airport will have a runway 2,250 metres long, which is sufficient to support the landing of long-haul jet aircraft, including the Airbus A320 and Boeing 737-800.[25] The airport is expected to service 7,000 passengers (including 1,500 tourists) in the first year and 15,000 passengers (including 8,000 tourists) by 2015.

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[21] www.news.co.sh, 11 August 2006.

[22] Ibid., 9 February 2007.

[23] *St. Helena Independent*, 18 November 2005.

[24] *St. Helena Herald*, 15 April 2005.

[25] *St. Helena Independent*, 18 November 2005.

38. A Development Board was formed in June 2005 to oversee the air access project. The Board consists of representatives from the Government of St. Helena, the private sector and civil society. The Board's main role is to advise the Executive Council on development policies and strategies to ensure successful completion of the airport. The main areas of interest identified by the Board are policies concerning immigration, landholding, tax, development and employment.[26] Also assisting in the airport project is the Air Access Project Team. The role of the Team has changed over time, from policymaking to facilitating the timely and cost-effective implementation of the project. Activities include liaising with other project teams (e.g. the Department for International Development Access Project Team), the St. Helena Development Board, the Government of St. Helena and other key stakeholders.[27]

E. Banking and credit

39. There have been no further developments reported in this sector since the 2005 working paper (A/AC.109/2005/14).

F. Tourism

40. The St. Helena Tourist Office has been boosting its efforts to market St. Helena as a tourist destination. Its 10-year tourism strategy focuses on four essential elements: planning, investment, delivering quality tourist services and promotion. Leading international tourism consultants have been working with St. Helena representatives to develop a strategy that encompasses all four elements.[28] In January 2007, a new tourism and investment policy became effective.[29]

41. In 2005, St. Helena experienced an increase in so-called environmental tourism, thanks to the Territory's unique attractions.[30] According to the administering Power, an estimated 1,500 passengers on cruise ships visited St. Helena in 2005 for these and other reasons. St. Helena will encourage more visits from cruise ships by emphasizing that the airport will facilitate passengers leaving or joining a cruise at the island.[31]

42. In July 2005, the St. Helena Leisure Company (Shelco), announced that it planned to invest £40 million in the Territory. One of Shelco's main projects on St. Helena is a resort with a golf course. Shelco projected that the construction and maintenance of the resort would generate 200 construction jobs for four years and 325 long-term jobs thereafter.[32] However, local hotel proprietors have expressed fears that their livelihood would be threatened by the planned development.[33] In January 2006, Shelco's application to purchase land for the resort development was

[26] *St. Helena Herald*, 10 June 2005.
[27] Ibid., 24 June 2005.
[28] Ibid., 7 October 2005.
[29] Information provided by the administering Power, January 2007.
[30] *St. Helena Herald*, 27 January 2006.
[31] St. Helena Investment and Tourism Policies, Government of St. Helena, November 2006.
[32] *St. Helena Herald*, 8 July 2005.
[33] Ibid., 15 July 2005.

deferred pending the adoption of new tourism and investment policies.[34] The policies were adopted in January 2007. The matter is now under active consideration in the form of an application under the Immigrants' Landholding (Restriction) Ordinance.[35]

43. In September 2005, a Harvard University team carried out a study that analysed the numerous tourism development proposals submitted to the Government of St. Helena. The main component of the study was a resource analysis based on the geographical mapping of St. Helena and other features related to potential tourism and other economic development.[36] One aspect of the Harvard study focused on the amount of potential building land on St. Helena. The study concluded that, as long as building density was fairly high, there would be plenty of land to go around. This conclusion allayed St. Helenians' fears that there might not be enough land once the tourism industry developed. The study also recommended encouraging private-sector investment and changing the current immigrant landholding laws to maximize the benefits anticipated by the development of the tourism industry.[37]

44. The ongoing discussion about the anticipated growth of the tourism industry on St. Helena highlighted two potential challenges which St. Helenians might face in the future: reconciling the economic benefits with sustainable development, and the life cycle of tourism destinations and the impact on the local population and its economy. The issue of sustainable development has been championed by a new non-governmental organization known as The Voice. Formed in response to the March 2005 announcement of the airport construction, the organization highlighted the availability of drinking water, fishing in the waters around the island and a potentially growing gap between the rich and the poor as some issues for the St. Helena Government to consider when setting the development agenda.

45. Most of the concerns appear to have been taken into account with the formulation of the new investment and tourism policy. With regard to investments, the policy applies to all approved investors. It provides a clear framework and underlines the intent of the Government to encourage private-sector investment to maximize the opportunities arising from the planned airport.[38]

IV. Social conditions

A. General

46. The team of representatives from the Department for International Development and the Foreign and Commonwealth Office who negotiated the country policy plan for 2001 to 2003 stated that, measured by international norms, St. Helena is a middle-income country with few signs of real material poverty. The team added that this situation is largely the result of the all-encompassing Government safety net, which guarantees everyone a minimum standard of living,

[34] Ibid., 27 January 2006.

[35] St. Helena Investment and Tourism Policies, Government of St. Helena, November 2006.

[36] *St. Helena Herald*, 2 September 2005.

[37] Ibid., 25 November 2005.

[38] St. Helena Investment and Tourism Policies, Government of St. Helena, November 2006.

and to social networks, which encourage the distribution of income among kin, most notably in the form of remittances. The country policy plan identified two particularly vulnerable sectors, namely, the increasing number of elderly people (23 per cent of the population is over the age of 65), who live on social benefits, and the disabled, who have special, unmet needs. It also points to a "culture of dependency" on the island, partly as a consequence of the Government's role as the main employer and almost the only provider of services.

47. The ageing population has created an increasing need for substantial investment in a new elderly care programme that includes sheltered housing and an elderly community care complex. There is currently one residential home called "The Haven" which provides both full-time and respite care. It is, however, housed in a converted building unsuited for elderly people. Work is in progress on a purpose-built Community Care Centre for the Elderly, which will provide both full-time resident and respite care. The project is on schedule to be completed before the end of 2007.[39]

48. There is also an increased prevalence of chronic health conditions, with diabetes and hypertension affecting about 8 per cent and 25 per cent of the population, respectively.[40] In January 2006, a visiting cardiologist noted that the high incidence of obesity on St. Helena was the main reason behind the high rate of hypertension.[41]

49. There is one general hospital in Jamestown, one psychiatric hospital and six health clinics serving people living in rural areas. In addition, two units cater to patients with behavioural problems and learning disabilities.[42]

50. In 2005, the Air Access Project sparked a debate over the potential introduction of HIV/AIDS to St. Helena from an increased number of visitors and overseas construction workers. Currently, there are no known cases of HIV/AIDS in the Territory. Proposed HIV screening was discussed at the Executive Council meeting held on 17 January 2006. After much debate and consideration, the Executive Council agreed that HIV screening should not be part of a routine examination of visitors and workers. They agreed instead to introduce other measures, such as an awareness programme and health education.[43]

B. Employment

51. The public sector remains the dominant employer in St. Helena. In 2003, the Government launched a long-term unemployment policy in which the Employment and Social Security Department has been working closely with the unemployed to identify their training needs. In 2003, when the policy was introduced, there were

[39] Information provided by the administering Power, January 2007.

[40] Derived from information transmitted to the Secretary-General on 12 January 2006 by the United Kingdom of Great Britain and Northern Ireland under article 73 *e* of the Charter of the United Nations and from published sources.

[41] *St. Helena Herald*, 27 January 2006.

[42] Information provided by the administering Power, January 2007.

[43] *St. Helena Herald*, 27 January 2006.

176 people on the Community Work Scheme. The policy is considered successful, as only 60 people remained on the scheme in 2006.[44]

52. In 2005, UNDP implemented a project whose overall objective was to reduce long-term unemployment on St. Helena through a joint private- and public-sector training and work experience scheme. The scheme was devised to help unemployed St. Helenians find jobs, improve their prospects of remaining employed and enhance their employment prospects.[45] As mentioned in paragraph 25 above, the UNDP project will be phased out by the end of 2007.

53. Offshore employment has steadily increased and, with it, remittances to the Territory. Approximately 1,100 St. Helenians, or close to 27 per cent of the island's workforce, are employed on Ascension, in the Falkland Islands (Malvinas) or in the United Kingdom; their remittances to St. Helena in 2005 totalled £23 million.[46] However, as virtually all contracts for offshore employment are for unaccompanied workers, there is a significant social burden because of the dislocation of families. In addition, the loss of trained staff to better-paid offshore employment makes it necessary to bring in more expatriate workers, in particular nurses and teachers. (One case mentioned by the media in October 2005 described a coffee producer who had to recruit 10 workers from Namibia and Germany to work on his coffee plantation.)[47] The St. Helena strategic review for the period from 2000 to 2010 showed that remittances from offshore workers were not sustainable and very clearly spelled out the dire consequences if people were not put at the centre of development, stating that no community could prosper if its biggest export was its people.[48]

54. The St. Helena Public Service Association came into existence in April 2005, its main goal being to aid, assist and promote the welfare and well-being of its membership. The Association is similar to a workers' union and represents the interests of St. Helena Government employees.[49]

C. Education

55. Education is compulsory and free for children between 5 and 15 years of age. According to the administering Power, in 2006, there were six schools in operation in the Territory attended by a total of 580 pupils, and 88 full-time teachers (including one teacher abroad for additional training).

56. The introduction of British standardized tests in English and mathematics in the first and middle sections of school has shown that the majority of pupils score lower than their British counterparts. Results from the secondary-school examination for students 16 years of age and over show that these pupils are also seriously underachieving, with fewer than 12 per cent of them each year attaining the minimum five qualifying grades for the general certificate of secondary

[44] Information provided by the administering Power, March 2007.

[45] www.sthelenaonline.com, 16 January 2006.

[46] Derived from information transmitted to the Secretary-General on 12 January 2006 by the United Kingdom of Great Britain and Northern Ireland under article 73 *e* of the Charter of the United Nations and from published sources.

[47] *St. Helena Herald*, 7 October 2005.

[48] www.sainthelena.gov.sh.

[49] *St. Helena Herald*, 27 January 2006.

education or its equivalent, compared with 40 per cent in the United Kingdom. These problems have been attributed in part to the high level of staff turnover and staff members' lack of qualifications and experience.[50]

57. In November 2006, following a meeting of the Overseas Territories Consultative Council, the United Kingdom announced that, beginning in 2007, citizens from the overseas territories would benefit from the home student fee rate at English universities.[51]

D. Environment

58. St. Helena has an environmental conservation programme aimed at preserving endangered species and the diversity of habitats, which are an important part of the Territory's heritage and could potentially increase tourism. The World Conservation Union lists 40 per cent of St. Helena's plants as endangered, while other conservationists insist that the actual proportion is higher. In September 2001, the United Kingdom and its territories adopted a set of environment charters setting out for the first time the mutual responsibilities of both regarding the environment.

59. In December 2005, the United Kingdom engineering and environmental consulting company Faber Maunsell Ltd. conducted a preliminary study on the impact of the new airport on St. Helena's environment. Details of the initial report have not yet been made available. Faber Maunsell will continue its monitoring activities for the duration of airport-development works to mitigate any potentially negative environmental effects.

V. Dependencies of St. Helena

A. Ascension

1. General

60. Ascension was discovered by the Portuguese in 1501 and "found" again on Ascension Day in 1503 by Alphonse d'Albuquerque, who named the uninhabited island. Ascension covers an area of 90 square kilometres and is of volcanic origin. In 1815, when Napoleon was a prisoner on St. Helena, a small British naval garrison was stationed on Ascension. The island remained under Admiralty supervision until 1922, when it was made a dependency of St. Helena. From then until 1964, the island was managed by the Eastern Telegraph Company (renamed Cable and Wireless in 1934). In 1964, in view of the plans to establish British Broadcasting Corporation (BBC) and Composite Signal Organization stations, an Administrator was appointed. During the Second World War, the United States Government built the Wideawake airstrip on the island. In 1957, a United States Air Force presence was re-established and the airstrip and ancillary facilities enlarged. It is now the south-east tracking station for the United States Air Force Eastern Test Proving Ground. In 1982, it became the intermediate stop for Royal Air Force flights to and from the Falkland Islands (Malvinas). In 2003, British and United States officials

[50] St. Helena Strategic Review 2000-2010, St. Helena Government, September 1999.

[51] www.fco.gov.uk, 23 November 2006 — Lord Triesman, Overseas Territories Minister, eighth meeting of the Overseas Territories Consultative Council, 21 and 22 November 2006.

signed the Wideawake Agreement, which opened up the airstrip to civilian charter traffic.

2. Constitutional and political status

61. No further developments in this area have been reported since the 2006 working paper (A/AC.109/2006/3).

3. Economic and social conditions

62. A joint meeting between the Foreign and Commonwealth Office/Ministry of Defence team and the Ascension Island Council was held in 2005. The meeting, which was chaired by Governor Michael Clancy, addressed the much-debated issue of right of abode and property ownership on Ascension.[52] The final decision on the issue was reached in January 2006, when the United Kingdom Government decided that the permanent right of abode and property ownership would not be granted. One of the main concerns for the United Kingdom Government was the tax liabilities that could fall on British taxpayers.[53]

B. Tristan da Cunha

1. General

63. The dependency of Tristan da Cunha[54] is composed of four islands: the main island, Tristan da Cunha; Gough; Inaccessible; and Nightingale. Tristan da Cunha, a round volcanic island with an area of 98 square kilometres, is the most remote inhabited island in the world. Its closest neighbours are St. Helena, 2,334 kilometres to the north, and Cape Town, South Africa, 2,778 kilometres to the east. Its population was evacuated to the United Kingdom when the volcano last erupted in 1961, but returned in 1963. The only settlement on the island is the capital, Edinburgh of the Seven Seas.

64. According to the Administrator, as at December 2004, the population consisted of 275 people divided into approximately 100 households. A team of South African meteorologists live on Gough. Inaccessible and Nightingale are uninhabited.

2. Constitutional and political status

65. Executive authority for Tristan da Cunha is exercised by the Governor of St. Helena. A resident Administrator is appointed by the Governor and is responsible to him. The Administrator is advised by an Island Council, led by the Chief Islander and comprising eight elected members (including at least one woman) and three appointed members. Elections are held every three years. All registered voters over 18 years of age are eligible to vote.

66. Tristan da Cunha has its own legislation, but St. Helena law applies to the extent that it is not inconsistent with local law, insofar as it is suitable for local circumstances and subject to such modifications as local circumstances make

[52] *St. Helena Herald*, 23 December 2005.
[53] Ibid., 27 January 2006.
[54] Derived from *Tristan da Cunha* (1988) by Brian Baldwin, Administrator of Tristan da Cunha.

necessary. There is one full-time police officer and three special constables. The Administrator is the Magistrate.

67. In October 2005, Tristan da Cunha participated in the Overseas Territories Consultative Council for the first time since the Council was created in 1999.

3. Economic and social conditions

68. No further developments in this area have been reported since the report on the issue contained in the 2003 and 2004 working papers (A/AC.109/2003/4 and A/AC.109/2004/9).

VI. Future status of the Territory

A. Position of the administering Power

69. In a statement made on 24 April 2006 while visiting the Turks and Caicos Islands, the Overseas Territories Minister, Lord Triesman, took stock of the relationship between the United Kingdom and the overseas territories seven years on from the 1999 White Paper entitled "Partnership for Progress and Prosperity: Britain and the Overseas Territories",[55] and reiterated the United Kingdom's approach as follows:

> "As the White Paper made clear, the United Kingdom will always be ready to help any territory become independent where this is an option, and if that is the clear and settled will of the people. The United Kingdom has no desire for any territory to remain British against its people's wishes. We have no continuing colonial objectives. However, if the people of a territory wish to retain the British link, then the United Kingdom will continue to honour its responsibilities for it. But I am, and I should be, answerable to the United Kingdom Parliament for the territories. As long as the United Kingdom retains those responsibilities, it needs to be in a position where it can discharge them properly. And that means that the United Kingdom needs to retain a sufficient level of powers to do this. In this process, the Governor, who also represents the territory to the United Kingdom Government, has a vital role. He or she must ensure, in partnership with the territory Government, that high standards are maintained in key areas such as the public service, the police, the judiciary, finance, aviation and maritime security — indeed, security generally — and human rights, in the interests of the peoples of the territory as a whole. In this context, it might be helpful if I set out the United Kingdom position on alternative forms of relationship, some of which I know have been discussed here in the Turks and Caicos Islands in recent weeks. United Nations General Assembly resolution 1541 set out some options for the relationship between administering Powers and Territories, including independence, integration and free association. The United Kingdom did not vote in favour of that resolution, and does not regard itself as bound by it. Integration would mean the Turks and Caicos Islands or any of the other territories becoming a full part of the

[55] White Paper presented to the House of Commons on 17 March 1999 by the United Kingdom Secretary of State for Foreign and Commonwealth Affairs; reproduced in A/AC.109/1999/1, annex.

United Kingdom, like the Isle of Wight. It would mean that the people of the territory would have to pay United Kingdom taxes. And United Kingdom policy would apply in areas that have traditionally been the responsibility of the territory Government — for example, education and health. I do not believe that this is an option that would find favour in the territories. Nor does it in the United Kingdom. The option of free association is also unacceptable. As defined by the United Nations, it would mean the territory drawing up its Constitution free from any outside involvement. The United Kingdom would retain all the responsibilities for the territory, but would not be able to ensure that it had the powers to enable it to fulfil these responsibilities. Ministers answerable to Government in Westminster cannot, and should not, put themselves in that position. So our aim is to work for a relationship with the territory Government which satisfies the needs of both sides."[56]

70. Moreover, in a statement made at the 5th meeting of the Special Political and Decolonization Committee (Fourth Committee), held on 5 October 2006, during the sixty-first session of the General Assembly, the representative of the United Kingdom said that the criteria used by the Committee of 24 in its deliberation on whether a Non-Self-Governing Territory should be "de-listed" were outdated and failed to take account of the way that the relationship between the United Kingdom and its overseas territories had been modernized, in a way that was acceptable to both parties (see A/C.4/61/SR.5).

B. Position of the Territory

71. As noted above (paras. 14 and 15), a consultative poll was held in St. Helena on the proposed constitutional changes that had been discussed for a number of years. Although the proposed constitutional changes did not receive sufficient support to be implemented, the territorial Government is considering its next step.

72. The Legislative Councillor of St. Helena, Eric George, participated in the Caribbean regional seminar organized by the Special Committee and held in Canouan, St. Vincent and the Grenadines, in May 2005. Mr. George asked that the Special Committee take up the following points of concern with the British Government:

- The required infrastructure to support the airport project should not be funded from St. Helena's annual aid programme. To expect this infrastructure to be funded from the island's already stretched financial provision would only accelerate the exodus of St. Helenians. If air access were to deliver sustainable economic development, it would be prudent to implement the long-awaited programme of refurbishment and updating of its present essential services.
- The policy of cost recovery as desired by the Department for International Development should be reviewed. In St. Helena's present circumstances, it is difficult to see how such cost recovery could be achieved, given the current demographic trends on the island.

[56] "A Successful Future" — Triesman Speech, Turks and Caicos Islands (24 April 2006), www.fco.gov.uk.

- The right to nationality, as set forth in article 15 of the Universal Declaration of Human Rights, should be included in St. Helena's new constitution, and not a "St. Helenian status clause", as was being proposed.

VII. Consideration of the question by the United Nations

A. Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

73. The Special Committee considered the question of St. Helena at its 12th meeting on 16 June 2006 (see A/AC.109/2006/SR.12). The Chairman introduced draft resolution A/AC.109/2006/L.9, which was adopted without a vote (A/RES/61/128).

B. Special Political and Decolonization Committee (Fourth Committee)

74. At its 6th meeting, on 6 October 2006, the Fourth Committee had before it draft resolution VI, which welcomed the continuing constitutional review process on St. Helena and the decision to provide funding for the construction of an international airport. It also requested the administering Power to continue to support the efforts to address the high unemployment rate and the problem of limited transport and communications.

C. Action by the General Assembly

75. On 14 December 2006, the General Assembly adopted resolutions 61/128 A and B by 173 votes to none, with 4 abstentions. Section IX of resolution 61/128 B concerns St. Helena.

United Nations A/AC.109/2007/15

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American Samoa

Working paper prepared by the Secretariat

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I. General

1. American Samoa[1] is a Non-Self-Governing Territory administered by the United States of America under the Department of the Interior, which has a representative resident on the ground. The Territory is located in the South Pacific approximately 3,700 kilometres south-west of Hawaii and 4,350 kilometres north-east of Australia. It consists of seven islands, namely Tutuila, Aunuu, Ofu, Olosega and Tau, known as the Manu'a Islands, and Swains and Rose, two coral atolls, as well as several lesser islands. The total land area is 197 square kilometres, about 70 per cent of which is covered by dense forest. Tutuila, where Pago Pago, the capital, is located, is the largest island; it constitutes 70 per cent of the total land area and is home to 99 per cent of the population.[2,3]

2. For 2006, the population of American Samoa was estimated to be just under 57,800 persons (64,100 reported for 2004), with a median age of 23 (21 reported for 2004) and an estimated sex ratio of 1.06 males per female (1.05 per female reported for 2004). The estimated net migration rate is -21.11 per thousand population (-20.71 reported for 2004).[4] As previously reported, some 70,000 Samoans live outside the Territory.

3. Ethnically, the population is 89 per cent Samoan/Polynesian. Congregationalist Protestant denominations are practiced by 80 per cent of the people, and some 20 per cent are Roman Catholic. Most American Samoans are bilingual, speaking the native Polynesian tongue and English.

II. Constitutional, legal and political issues

4. It is generally believed that the Samoan archipelago was settled some 3,000 years ago by people migrating into the Pacific from South-East Asia. The Dutch were the first Europeans to find these islands, in 1722. Some settlers came to the islands in the early 1800s, followed by missionaries in 1830. By the late 1800s, internal strife among the chiefs and struggles among the colonial Powers of Germany, Great Britain and the United States of America led to a period of instability. Deeds of cession of these islands to the United States were formally accepted by means of an Act of Congress on 20 February 1929. Pursuant to that Act, the native inhabitants were given the status of American nationals. The Act provided for an American Samoan Government with all civil, judicial and military powers to be vested in a designee of the President of the United States. As the American interest in the area had been mainly military, the Territory was placed under the jurisdiction of the United States Navy. In 1951, the United States President Executive Order 10264 transferred administrative responsibility for the Territory to the Department of the Interior.

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[1] The information contained in the present working paper has been derived from published sources, including those of the territorial Government, and from information transmitted to the Secretary-General by the administering Power under Article 73 *e* of the Charter of the United Nations.

[2] Information transmitted by the administering Power, 8 January 2007.

[3] http://www.esa.int.

[4] https://www.cia.gov/cia/publications/factbook.

5. American Samoa is an "unincorporated and unorganized" Territory under United States law. Not all provisions of the United States Constitution apply. Residents of American Samoa are not United States citizens. They are United States nationals who can freely enter the United States and work or reside anywhere they choose. Children born in the Territory to foreign parents become citizens of either the mother's or the father's country of origin, not United States nationals.[5] American Samoans may not vote in the United States general election, but are permitted to participate in presidential primaries and caucuses.

6. The Constitution of American Samoa, adopted in 1960, was revised in 1967 and subsequently amended in 1970 and 1977. Any amendments or modifications to the Constitution of American Samoa (as approved by the Secretary of the Interior) may be made only by an Act of the United States Congress.

7. The Territory's Constitution provides for separate executive and legislative branches and an independent judiciary. The executive branch comprises a Governor and a Lieutenant-Governor elected for four-year terms by universal adult suffrage. All American Samoans over 18 years of age are eligible to vote. The Governor is responsible for executing both American Samoan and United States laws and has veto power with respect to legislation passed by the Fono, the American Samoa Legislature.

8. In 1978, the people of American Samoa for the first time elected the Governor. The current Governor is Togiola T. A. Tulafano, who was elected in 2004. His term will expire in November 2008, when the next elections are held. In February 2007, the American Samoa Senate Judiciary Committee began to review questions, such as the joint election of the governor and lieutenant governor, and their respective qualifications, such as holding a traditional chiefly title.[6] On a separate issue, in November 2006, objections were filed with the Territorial Registrar's Office contesting Governor Togiola's succession claim to the paramount chief title, Leiato. Paramount chief titles are the highest in the local "matai" system. The Leiato title is one of seven local paramount chief titles and has been vacant for nearly a decade.[7]

9. The Fono is a bicameral legislature, which comprises an 18-member Senate whose members are chosen by 14 tribal councils, and a 21-member House of Representatives, 20 of whom are elected by popular vote and one of whom is appointed as a non-voting delegate from Swains Island. For the first time in Fono history, in 2007 two women are sitting in the House.[8] Only a matai, the traditional chief of an extended family, can become a senator. Senators hold office for a four-year term and representatives for a two-year term. The Fono may pass laws with respect to all local affairs, provided its laws are not inconsistent with United States laws in force in the Territory or with United States treaties or international agreements.

10. Since 1981, American Samoa has elected by direct vote a delegate to the United States House of Representatives for a two-year term. The delegate may vote only in committees. The current delegate is Congressman Eni F. H. Faleomavaega, who is serving his tenth consecutive two-year term. On 7 November 2006, the

[5] BBC Monitoring Asia Pacific, 27 September 2002.
[6] *Samoa News*, 14 February 2007.
[7] *Samoa News*, 22 November 2006.
[8] *Samoa News*, 13 November 2006.

Congressman was re-elected. Of the total 11,038 votes counted in the November 2006 congressional race, the incumbent received 5,196 votes (47.1 per cent).[2]

11. The judiciary system consists of the High Court, with the Chief Justice and the Associate Justices appointed by the United States Secretary of the Interior, and the local district and village courts, with the judges appointed by the Governor. The current Chief Justice is the first native Samoan to be appointed to the position. The High Court is separated into Appellate, Trial and Land and Titles divisions. Since American Samoa is not part of a United States federal judicial district or circuit, there are no statutory provisions for appealing decisions of the High Court to a federal district court.[2] American Samoa laws are textually identical to United States laws ("mirror laws"), where all references to the United States are substituted by references to American Samoa.

12. The question of whether federal laws are applicable to the Territory and whether decisions affecting numerous issues in the Territory may be taken at the federal level continues to be discussed. For instance, as reported in previous working papers, in 1996 an attempt by the territorial Government to launch a garment manufacturing sector involving foreign workers led to the investigation by the Honolulu regional office of the Federal Bureau of Investigation and conviction of the owner of the Daewoosa factory, as announced by the Department of Justice in Washington, D.C., in June 2005 (see A/AC.109/2006/7, para. 30). According to the administering Power, the defence appealed the conviction and sentence claiming that the District Court of Hawaii lacked jurisdiction and that the District of Hawaii was an improper venue. In December 2006, the Ninth Circuit Court of Appeals in San Francisco, California, ruled that the District Court for the District of Hawaii had jurisdiction over federal crimes committed in American Samoa, and affirmed the lower court's conviction and judgement of the former factory owner.[2] Following a decision by the Ninth Circuit Court of Appeals in February 2007 to deny a rehearing *en banc*[9] on a rejected appeal filed by the former Daewoosa Samoa owner, his attorney said that he would take the matter to the United States Supreme Court.[10]

13. The Future Political Status Study Commission was established under the Territory's Public Law 29-24, which was approved by the legislature and signed into law by the Governor on 19 April 2006. The 11-member Commission was chaired by the District Governor of the Manu'a Islands, who was appointed by the Governor. The Commission's first meeting was held on 5 June 2006, followed by others, including on fact-finding missions during the second half of the year. The Commission's goal was to study alternative forms of political status practices in the Territory's relationship with the United States and to recommend its findings on the best practice for American Samoa and its people. The ultimate decision on status is to be made by the people of American Samoa.[11,12]

14. In his testimony to the Commission, Congressman Faleomavaega stated that the Commission had examined several political status options, including free

[9] An *en banc* court refers to a session in which the entire membership of the court, rather than the regular quorum, participates in a decision.

[10] *Samoa News*, 1 March 2007.

[11] http://www.asg-gov.net/fpssc/fpssc_commission.htm (2006).

[12] Malama TV News, 30 August 2006 and 7 February 2007.

association, commonwealth and independence.[13] According to the Vice-Chairman of the Commission, the commonwealth option would involve a covenant with the United States that would grant American Samoans United States citizenship and protect their lands, whereby only natives could buy and control land and the influx of foreign immigrants, Samoan citizens not included, would be controlled.[14]

15. At the United Nations Pacific regional seminar on the implementation of the Second International Decade for the Eradication of Colonialism: priorities for action, held in Yanuca, Fiji, from 28 to 30 November 2006 by the Special Committee of 24, Lieutenant Governor Ipulasi Aitofele Sunia said that the position of the people of American Samoa and its duly elected legislative representatives and government officials was that the current relationship of the Territory and the United States Government was the desirable one. American Samoans again asked that the Territory be de-listed as a colony of the United States by the United Nations where it has been identified as "non-self governing". He said that "one size does not fit all" and that American Samoa did not see itself as belonging to that group. The Lieutenant Governor said:

> "It is important to the Committee to be sensitive to the desires of the local people within the identified 'territories' of the world. It is a question of self-determination, and each individual situation needs to be viewed according to the desires of the local population. Colonization was a world concept that only has real meaning when the issue of self-determination is understood relative to the people directly involved."

The speaker went on to say that it had been made clear that the Territory preferred the current status; it was independent within a federalized system of self-governing states and territories.[15]

16. The report of the Future Political Status Study Commission was submitted to Governor Togiola on 5 January 2007. The Chairman of the Commission said that the report comprised nearly 80 pages and consisted of four sections, including one on the formation and role of the Commission; information gathered from fact-finding trips to the United States mainland, Samoa, the Manu'a Islands, and three other South Pacific island nations; and recommendations by the Commission and its members for the Governor and the people to consider. The recommendations of the Commission were not immediately made public, purportedly to allow time for traditional leaders and the territorial Government to review the report. Copies of the report are expected to be made available to the Fono[11] and the public.[16]

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[13] Congressman Faleomavaega testified before the American Samoa Political Status Commission in September 2006 at Brigham Young University-Hawaii in Laie, Hawaii, Malama TV News, 2 October 2006.

[14] *Samoa News*, 27 November 2006.

[15] The full text of the statement by Lieutenant Governor Ipulasi Aitofele Sunia is contained in PRS/2006/CRP.10, which is available at http://www.un.org/Depts/dpi/decolonization/regional%20seminar_main.htm.

[16] *Samoa News*, 6, 8 and 11 January 2007.

III. Budget

17. The budget of the Government of American Samoa consists of federal support and locally generated revenue. In the Territory's traditional communal system, leaders are responsible for the preservation of the social order as well as the economic welfare of the extended family. The federal Government underwrites most of the cost of preserving this system. This affiliation contributes to allowing the United States to have access to and use the Territory for defence and other purposes. According to the report released by the United States Government Accountability Office in February 2007, the Department of the Interior could be doing more to assist the insular areas, including American Samoa, with long-standing financial and programme management deficiencies. For 2008, the Office of Insular Affairs of the Department of the Interior allocated nearly $23 million in discretionary funding, which provides essential assistance to the territorial Government in its efforts to provide basic services of health care, education, public safety and support for the judiciary.[17]

18. The budget of the territorial Government for the fiscal year 2005/06, which started on 1 October 2005, was $280 million. Of that amount, $66 million came from local revenues, with taxes providing $52 million, $23 million came from Department of the Interior grants, $86 million came from special federal grants, and $95 million came from enterprise funds. The budget for 2005/06 was 5 per cent higher than that for the 2004/05 fiscal year.[2]

19. During 2006, American Samoa saw the highest number of home loan approvals under the Governor's home loan programme, funded by United States Department of Housing and Urban Development, involving more than $1 million for new and rehabilitated homes. Over the next five years, the territorial Government will aim at bringing in another $1 million under the newly established affordable housing programme for the most needy.[18]

20. In January 2007, the territorial Government stated that the Territory had a positive fund balance, with fiscal policies in place to ensure the effective and efficient delivery of services. During the past few years, American Samoa has made efforts to improve accountability, economic development and diversification as well as good governance. At the same time, the territorial Government completed its audits for 2005 on time.[18,19]

IV. Economic conditions

A. General

21. American Samoa's 2005 gross domestic product (GDP) was estimated at $333 million and per capita GDP at $5,800.[4] The American Samoa Economic Advisory Commission's report of April 2002 stated that for the past 50 years, the composition of the Territory's economic structure had remained virtually unchanged

[17] *Pacific Magazine*, February 2007; and *Samoa News*, 10 and 28 February 2007 and 1 and 19 March 2007.

[18] State of the Territory address before the 30th legislature, first regular session, 8 January 2007.

[19] *Samoa News*, 5 October 2006 and 9 January 2007.

and that its economic development had been persistently stagnant. Elements of a market economy had evolved, and many in American Samoa had expressed concern that changes in the economy would ultimately be harmful to the Samoan people, its culture and way of life.[2,20]

22. Over 90 per cent of American Samoa's economy is maintained by United States federal expenditures and the canning industry. Tuna fishing and processing are the backbone of the private sector. Approximately 7 per cent of the economy comprises a small tourism industry and a few businesses that sell exclusively to the local market. As acknowledged by the Governor in early 2007, unemployment posed a serious problem in American Samoa.[4,21]

23. The largest trading partner of American Samoa is the United States, followed by New Zealand, Australia and Fiji. Canned tuna accounts for almost 100 per cent of exports.[2] Some 90 per cent of goods and products are imported, including food and petroleum products, machine parts, building materials, textiles and clothing.

24. A report by the Office of Insular Affairs, sent to the Governor in late December 2006, examined five areas with respect to improving the Territory's private sector, and thereby the local economy. The key areas cited in the report, entitled "A Private Sector Assessment for American Samoa" include the business climate, the legal system, the financial system, land rights and infrastructure.[22] In its 2002 report, the American Samoa Economic Advisory Commission set out a multi-year plan with the goal of transforming the composition of American Samoa's economy so that a more diverse private sector becomes the driving force of a self-sustaining market economy (see A/AC.109/2003/12, para. 16).[20]

B. Agriculture and fisheries

25. Agriculture, hunting and forestry employ less than 3 per cent of the population and provide little surplus for export. The most important crops include taro, coconuts, bananas, oranges, papayas, breadfruit and yams. According to the Department of Agriculture, at present, the Territory covers 95 per cent of its food needs through imports. Prospects for agricultural development are limited owing to the small amount of land suitable for cultivation.[2]

26. The territorial Government stated that local farmers supplied locally raised produce valued at $886,000. In 2007, the Government intended to help the farmers by providing a blight-proof taro species, fertilizer, seeds and pesticides at a subsidized rate.[18]

27. The fishing industry constitutes 90 per cent of the Territory's economy and employs between one third and one half of its workforce, depending on the source of information.[4,23] American Samoa's tuna industry is the fourth largest in the world. It is argued that the future viability of the industry in the Territory depends on its continued tax exemption and competitive wage scales.[23] Also, as previously

[20] "Transforming the economy of American Samoa", a report to the President of the United States of America through the Secretary of the Interior, submitted by the American Samoa Economic Advisory Commission (April 2002) vol. I, The Plan, Executive Summary.

[21] *Samoa News*, 5 February 2007.

[22] *Samoa News*, 29 January 2007 and 13 February 2007.

[23] *Samoa News*, 28 February 2007.

reported, the Government is concerned that the phasing out of tariff barriers to other tuna-processing countries through the Andean Trade Preference Act and the Association of Southeast Asian Nations could devastate the Territory's tuna industry (see A/AC.109/2006/7, para. 19).

28. The United States Congress Tax Relief and Health Care Act of 2006 provides American Samoa's canneries with a two-year extension of the Internal Revenue Service's 30A tax credits. On its part, the OIA has awarded the territorial Government a $150,000 grant to conduct a study about the impact on the local economy, especially employment, and the quality of life, should the canneries shut down. The Governor has called for community support of and cooperation with the study exercise.[2,24]

C. Tourism

29. American Samoa features superb scenery and some of the finest white sandy beaches and coral reefs in the region and is considered the traditional birthplace of Samoa with archaeological sites, most of which are unexcavated. Beautiful mountain views and beach walks on the Manu'a Islands are protected by National Park regulations with few developments, if also little tourist infrastructure.[25]

30. As previously reported, American Samoa seeks to privatize tourism that is community responsive. In 2005, cruise ships brought some 6,500 visitors to the Territory, which increased short-term seasonal employment and opportunities for sales of local arts and handicrafts, but land-based tourism is limited (see A/AC.109/2006/7, paras. 21 and 22).

31. American Samoa has several hotels and motels with a total of 260 rooms in Tutuila and Manu'a.[2] In 2007, American Samoa prepares to host the 2008 Pacific Arts Festival.[18]

D. Transport and communications

32. There are approximately 180 kilometres of public and primary paved roads and 235 kilometres of secondary village roads in American Samoa. The highway system is generally in poor condition owing to the effects of hurricanes, the age of the roads and inadequate maintenance.[2]

33. Pago Pago harbour is an all-weather deep-draught harbour, one of the best natural deepwater harbours in the South Pacific Ocean, and is of strategic importance in the region. The main dock is 1,000 feet long, handling ships of up to a 32-foot draught. Pago Pago harbour provides the full complement of equipment and facilities and has a ship repair facility with a 3,000-ton marine railway.[4]

34. There are four airports in the Territory situated on the islands of Tutuila, Ofu, Olosega and Ta'u. Pago Pago International Airport is owned and operated by the territorial Government. The envisaged federally funded construction of a temporary

[24] *Samoa News*, 20 and 28 February 2007 and 1 and 19 March 2007.
[25] http://www.pacific-travel-guides.com, 12 May 2006.

airport tower has not materialized owing to a decision by the Federal Aviation Administration to close tower operations in September 2005.[2,26]

35. In March 2007, the Governor petitioned the United States Department of Transportation to convene a federal committee for the purpose of reviewing Hawaiian Airlines' monopoly-like activities in the American Samoa market.[27]

36. The Territory's main airport is regularly served by a number of airlines that link American Samoa with Hawaii and the United States mainland and other countries in the South Pacific. Within the Territory, Inter-Island Airways flies regularly to the islands of Ofu, Olosega and Ta'u.[2,18]

37. The Territory has four radio stations; a Government-owned and a privately owned television station, three privately owned newspapers and a private company offering telecommunications services. Internet access is provided by the American Samoa Telecommunications Authority, a semi-autonomous government agency.[2,28]

38. In early 2007, the territorial Government stated that competition in the telecommunication sector had resulted in the lowest rate for wireless communication and Internet that the Territory had ever seen. Also, American Samoa entered the North American numbering plan in April of 2005, resulting in the Territory's lowest long distance rates ever.[18] The budget of the Office of Insular Affairs for fiscal year 2008 includes $3 million to help develop a fibre-optic cable for American Samoa by the beginning of 2008.[29] With the arrival of fibre-optic cable in the near future, the Government expects an even more robust telecommunications market, with burgeoning services for personal and business communications.[18]

E. Water, sanitation system and utilities

39. The American Samoa Power Authority, which is Government-owned, provides water, wastewater, solid-waste and electric services to customers on five of the seven islands. The Authority provides drinking water to 90 per cent of the Territory from 57 wells, with the remaining part being serviced by outer-village systems.[2] In 2007, the territorial Government stated that the American Samoa Power Authority continued to provide reliable and cost effective utility services for the Territory, even if it depended 100 per cent on the supply of diesel fuel.[18]

40. During 2006 and 2007, Utulei, Gataivai and some residents in Pago Pago were affected by low water pressure and water shortages, with the severest situation prevailing in Utulei, allegedly since 2003/04. In early 2007, water shortages there were being caused by a number of factors, including the refilling of large vessels, such as cruise ships, the closing of wells in Aua, the closing of a tainted micro filtration tank in Fagatogo and high water demand from canneries in Satala.[30]

[26] http://www.house.gov., 8 December 2006.
[27] *Samoa News*, 6 and 17 March 2007.
[28] http://www.malama.tv, 22 March 2007.
[29] *Samoa News*, 6 February 2007.
[30] *Samoa News*, 15 and 20 February 2007.

V. Social conditions

A. General

41. Long before the 1700s, when the Western world first came to know of the Samoan Islands, their inhabitants practiced a way of life that had been handed down through the generations for more than 2,000 years. The Samoans call their way of life "fa'asamoa". It is based on the notion of mutual respect and sharing among the "aiga" or extended families, each featuring a common allegiance to a matai. The Samoans' way of life influences every aspect of the Territory's socioeconomic fabric.[2,20]

42. As mentioned section III of the present working paper, the traditional communal system prevalent in American Samoa contributes to preserving the social order and promoting economic welfare. At the same time, efforts are being made by the territorial Government, for instance by the judicial system, to reach out to traditional leaders. Such efforts are addressed in section E below. Also, staff members of the Department of Human and Social Services from the Prevention, Victims of Crime Advocacy, Family Support Services and the Crisis Intervention Units are being trained as facilitators and prevention specialists for a new programme entitled "Strengthening American Samoa Families". The curriculum seeks to reinforce core values such as harmony (lokahi), caring (malama), cooperation (laulima) and responsibility (kuliana) that are said to have held American Samoa's extended families together for generations.[31]

B. Labour and immigration

43. The Territory's unemployment rate was estimated by different sources to be from 12 per cent to almost 30 per cent (2005/06), reflecting a drastic turn for the worse over the past half decade.[2,4] Statistics for 2000 put the unemployment rate at 6 per cent.[4]

44. In 2006, the total labour force consisted of over 17,600 workers, about one third of whom are aliens, mostly from Samoa. The largest private employer is the cannery industry, which employs about one third of the workforce, as does the territorial Government, which has approximately 5,900 persons on the payroll.[2,4] The remaining one third of workers is in the secondary economy, which provides goods and services to the canneries and consists mainly of retail and service enterprises.

45. According to the administering Power, as of October 2005, hourly wages were as follows: Government employees — $2.91; fisheries — $3.26; and shipping and transportation — $4.09.[2] Wages in the Territory are set not by federal law but by the recommendation of the Special Industry Committee, appointed by the United States Department of Labor, that reviews economic conditions every two years and establishes minimum wages by industry under the Fair Labor Standards Act. The next review by the Special Industry Committee has been set for June 2007.[32] A Fono resolution conveying the support of American Samoa's lawmakers for the efforts by

[31] *Samoa News*, 19 January 2007.

[32] *Samoa News*, 5 and 9 February 2007.

the Governor and Congressman Faleomavaega to exclude American Samoa from a United States minimum wage increase bill before Congress was transmitted to several members of Congress in January 2007.[33]

46. Governor Togiola has sought money from the federal Government to fund a study to determine whether American Samoa has the workforce to address the needs of businesses that want to set up there.[34]

47. After the installation of the fibre-optic cable mentioned above, which is supported by the Office of Insular Affairs, investors interested in setting up a call centre in Pago Pago would initially create 200 to 300 jobs.[29]

48. With respect to immigration, as previously reported, American Samoa has its own laws, and entry into the Territory by foreigners is not the same as entry into the United States. In 2003, a new Immigration Law of American Samoa came into force, giving the Attorney General, instead of a Government-appointed board, full authority over granting eligibility. This change allows many individuals who reside in the Territory for a long period of time to acquire permanent resident status.[35]

49. In early 2007, the territorial Government stated that it was working on a number of immigration initiatives regarding domestic helpers, permanent residents and resident aliens, which would help alleviate the pressure placed upon both the individuals affected and the Territory's immigration authorities.[18,36]

C. Education

50. Education in American Samoa is compulsory from 6 to 18 years of age. The educational system is broadly based on that of the United States. There are 29 public schools, 6 private schools and 161 village schools. The American Samoa Community College offers two-year degree courses in arts and sciences and programmes offering certificates of proficiency in vocational and clerical skills, business and nursing and affords enrolled students scholarship and financial aid opportunities. San Diego State University offers bachelor's and master's degree programmes in Tutuila, which enable students to obtain an advanced college degree without moving from the Territory. American Samoa has a literacy rate of 97 per cent (2004).[2]

51. In January 2007, the territorial Government announced that the state of education in the Territory is strong and was improving. Scores from the latest Stanford Achievement Test, tenth edition, showed that students had improved during 2006 in the subjects of reading, mathematics and science. The Territory's Department of Education is piloting a standards-based assessment which would be administered in the latter part of the 2007 school year. The locally developed assessment mechanism is expected to present a more accurate picture of the progress made by the schoolchildren.[18]

[33] *Samoa News*, 1 and 2 February 2007; and http://www.house.gov., 1 March 2007.
[34] *Samoa News*, 21 March 2007.
[35] *Samoa News*, 4 February 2003.
[36] *Samoa News*, 22 March 2007.

52. For 2007, the Department of the Interior funded three full scholarships for American Samoa high school students to attend the Junior Statesmen Summer School at prestigious American university campuses.[37]

53. In the last quarter of 2006, allegations of personnel malfeasance and other issues within the Department of Education were being investigated by the offices of the Governor and the Attorney General. The head of the Department of Education, the Director of Education, resigned in December 2006, was incarcerated, and released from federal prison on 4 March 2007. The controversy related to the Department continued in early 2007 over the appointment of its financial officer.[38]

D. Public health

54. The estimated life expectancy in the Territory for 2006 was 76 years (72 years reported for 2004), with male life expectancy at 72 years (69 years reported for 2004) and female life expectancy at 80 years (76 years reported for 2004). The annual birth rate was estimated at 22 per 1,000 population (27 births/1,000 reported for 2004) and the annual death rate at 3 per 1,000 population (4/1,000 reported for 2004). The fertility rate was estimated at 3 children per woman (4 reported for 2004).[4]

55. The main hospital in the Territory, the Lyndon Baines Johnson Tropical Medical Center, has 150 beds and a staff of 25 physicians. Medical, dental and pharmaceutical services in the Territory are available 24 hours a day. For serious cases, off-island treatment, including hospitalization in Hawaii or on the United States mainland, is provided.[2] In early 2007, the hospital continued to attract media attention over the poor quality of its infrastructure and safety and service conditions. At the same time, the hospital has hired a new chief financial officer.[39]

56. The territorial Government stated that the programme seeking health-care coverage for all American Samoans, which is managed by the Governor's Office, was coming to a close in 2007. The outgoing programme would recommend a combination of new health-care programmes and financial reforms, including new forms of finance, that were expected to help provide health-care coverage for every person in the Territory. Moreover, the territorial Government will propose legislation in 2007 to prohibit smoking on commercial buses.[18]

E. Crime

57. On 9 February 2007, the American Samoa Senate passed a bill, which will go to the House for consideration, to extend the pilot Family, Drug and Alcohol Court as a division of the High Court for an additional three years. The pilot Court was first established by law in 2000 and last extended in 2004. When the law expired on 1 October 2006, the Secretary of the Interior had not given approval for the Family, Drug and Alcohol Court to become a permanent division of the High Court. Under the pilot programme, the Court has helped reduce recidivism to 10 per cent in the past two years. The Court has heard, adjudicated, monitored and ordered probation

[37] *Samoa News*, 9 February 2007.

[38] *Samoa News*, 21 December 2006, and 28 February 2007 and 7 March 2007.

[39] *Samoa News*, 27 February 2007 and 6 and 13 March 2007.

in 1,100 cases of public peace disturbance and domestic violence. More than 90 per cent of those cases were alcohol related. The Court worked with others, such as the Department of Human and Social Services, to provide counselling and other services to the offenders. In addition to professional counselling, family members or authority figures, such as a church minister or a matai, were sometimes brought to the Court to help with mentoring and monitoring those placed on probation, which was a successful approach.[40]

58. In early 2007, the territorial Government proclaimed that the protection of children was one of the most important tasks of the administration, and that it would propose legislation which mandates a life sentence for any person who sexually abuses a child.[18]

59. Regarding judicial matters, the Chairman of the United States House Committee on Natural Resources requested the Government Accountability Office to study all aspects of the judiciary system in American Samoa, including whether or not American Samoa should have a federal district court with limited jurisdiction or whether to confer federal jurisdiction on the High Court of American Samoa to hear those types of cases. Moreover, the Government Accountability Office would review how the Department of the Interior administers the Territory where there are conflicting issues on the right to matai titles and communal lands, which comprise some 90 per cent of the Territory. Reportedly, the Government Accountability Office has confirmed that it intends to conduct the study of the local judiciary system in 2007.[4,41]

VI. Environmental protection and disaster preparedness

60. The American Samoa Environmental Protection Agency and the Department of Treasury recently signed a memorandum of understanding that is expected to strengthen the two entities' fight to stop the importation of illegal pesticides and non-conforming vehicles into American Samoa.[42]

61. With regard to all-hazard emergency preparedness and security matters, Governor Togiola has established a local department of homeland security made up of the Territorial Office of Homeland Security, the Territorial Emergency Management Coordination Office, the Office of Vital Statistics and the Office of Territorial and International Criminal Intelligence and Drug Enforcement, whose head is the interim acting director of the new American Samoa Department of Homeland Security. The new department is to provide the overall coordination and administration of efforts to be funded by the United States Department of Homeland Security. Furthermore, the Department's functions include coordinating and consolidating the efforts of its component entities into a coherent whole that supports the overall purposes of all-hazard preparedness, response, detection, deterrence, prevention and enforcement.[42]

62. A financial management division of the American Samoa Department of Homeland Security has been established to oversee money matters for the newly created agency, while the Department of Treasury is providing revenue to pay

[40] *Samoa News*, 12 February 2007.
[41] *Samoa News*, 2 February 2007.
[42] *Samoa News*, 8 February 2007.

salaries for employees of the Territorial Office of Homeland Security and the Territorial Emergency Management Coordination Office. Federal grants for the Territorial Office of Homeland Security and the Territorial Emergency Management Coordination Office have been frozen and are expected to remain so until the federal Government's concerns over the financial management of local programmes have been addressed. A report by the Office of the Inspector General of the United States Department of Homeland Security says that grant monies have been diverted and used for purposes other than those intended, questioning $1.7 million in spending from 2002 to 2004. In March 2007, the director of the Territorial Emergency Management Coordination Office was arraigned on 70 counts, including embezzlement, criminal fraud and falsifying information.[43]

63. On the subject of communications capabilities in time of disaster conditions, a report released by the United States Department of Homeland Security ranked American Samoa among the worst areas studied. The report points out that since 2005, no additional federal grants had been allocated for interoperable communications planning. The report recommends, inter alia, to clarify federal membership in the Governor's Territorial Emergency Communications Committee, which includes both American Samoa and federal agencies, and to document their respective responsibilities. Subsequently, the United States Department of Homeland Security established a review committee to study, among other things, the report that had ranked American Samoa among the worst with regard to disaster readiness.[44]

VII. Relations with international organizations and partners

64. American Samoa has been an associate member of the United Nations Economic and Social Commission for Asia and the Pacific since 1988. The International Labour Conventions and the International Labour Recommendations are applicable to it (see E/2006/47). The Territory belongs to various regional bodies of the United Nations system, including the World Health Organization (WHO), the Regional Office for the Western Pacific and the WHO Pacific Regional Centre for the Promotion of Environmental Planning and Applied Studies.

65. American Samoa is a member of several regional organizations, including the South Pacific Commission, the Pacific Basin Development Council, the Pacific Tuna Development Foundation, the Pacific Islands Association, the Asian-South Pacific Bureau of Adult Education, the Pacific Asia Travel Association, the South Pacific Regional Environment Programme, the South Pacific Applied Geoscience Commission and the Council of Pacific Arts. It also belongs to such United States organizations as the National and Western Governors' Conferences. The Government of American Samoa has signed memorandums of understanding with the Governments of Samoa and Tonga on mutual economic cooperation and has sent trade missions to a number of countries in the Pacific region.

66. In 2006, American Samoa withdrew its application to the Pacific Islands Forum for observer status following opposition from the United States Department of State. Congressman Faleomavaega protested the State Department's position that

[43] *Samoa News*, 22 and 24 February and 14 and 19 March 2007.

[44] Associated Press, 3 January 2007; and *Samoa News*, 5 January 2007 and 27 February 2007.

when American Samoa applied for observer status in the Forum it had not followed proper procedure since it had not applied through Washington, D.C. The Congressman said he was hopeful that by following United States protocol, the American Samoan Government would be able to join the Forum as an associate member in 2007.[45]

VIII. Future status of the Territory

A. Position of the territorial Government

67. Section II of the present working paper reflects developments concerning the review by American Samoa of its future political status that was carried out in 2006. In that regard, the Lieutenant Governor of American Samoa, in his address to representatives of the Special Committee of 24 at the 2006 Pacific regional seminar, presented information on the review process, which is also reflected in that section.

B. Position of the administering Power

68. In a letter dated 2 November 2006, addressed to Congressman Faleomavaega, Jeffrey T. Bergner, Assistant Secretary of State for Legislative Affairs, outlined the position of the United States Government on the status of American Samoa and other United States Insular Areas. In his letter, the Assistant Secretary noted that the status of the Insular Areas regarding their political relations with the federal Government were internal United States issues and not those of the Special Committee of 24. The letter also noted that the Special Committee of 24 had no authority to alter in any way the relationship between the United States and those Territories and no mandate to engage the United States in negotiations on their status. The letter further stated that at the same time, in accordance with its obligations under the Charter of the United Nations to provide regularly to the United Nations statistical and other information of a technical nature relating to the economic, social, and educational conditions in the territory, the federal Government did submit annual updates on United States Territories to the Special Committee of 24 as a demonstration of United States cooperation as an administering Power. The annual reports were also an opportunity to correct any errors in information the Special Committee of 24 might have received from other sources. The letter also pointed out that the General Assembly had agreed in 1960 to a set of principles governing whether a territory was non-self-governing and that the United States was to provide the Special Committee of 24 with information showing that those principles had been satisfied before the Committee would agree to de-list an Insular Area.[46]

69. Addressing the General Assembly at its sixty-first session on 22 December 2006 in explanation of vote after the adoption of resolution 61/231 on the implementation of the Decolonization Declaration by the specialized agencies, the United States representative stated inter alia the following:

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[45] Radio New Zealand International (18 and 26 October 2006); radio Australia, http://www.abc.net/au/ra, 19 October 2006.

[46] *Samoa News*, 7 November 2006.

"The very term 'non-self-governing' seems inappropriate for territories able to establish their own constitution, elect their own public officers, have representation in Washington, D.C., and choose their own economic path. The United States was fully supportive when countries chose independence, and was proud to welcome them as equal and sovereign partners. In the case of territories that did not choose independence, however, the United States has also supported the right of people in those territories to a full measure of self-government, including the rights to integration and free association. The United States calls upon all Member States to respect the choices made by residents of non-self-governing territories".

C. Action by the United Nations

70. On 14 December 2006, the General Assembly adopted with a vote of 173 to none, with 4 abstentions, resolutions 61/128 A and B. Section I of resolution 61/128 B concerns American Samoa.

United Nations A/AC.109/2007/16

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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Guam

Working paper prepared by the Secretariat

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I. General

1. Guam[1] is a Non-Self-Governing Territory administered by the United States of America. Guam is the southernmost and largest of the Mariana Islands in the Pacific, situated about 1,350 miles south of Tokyo and 3,700 miles west-south-west of Hawaii. It consists of a single island of approximately 212 square miles. It comprises two distinct geological areas of about equal size. The northern part of the island is a high coralline limestone plateau and the southern region is mountainous. Apra Harbour, which is located on the central western side of the island, is one of the largest protected harbours in the Pacific and is considered to be the finest deep water port between Hawaii and the Philippines. The capital city of Guam is Hagåtña, previously known as Agana.

2. When the first Spanish missionaries came to Guam late in the seventeenth century, it was inhabited only by the indigenous people of Chamorros. They are believed to be of Mayo-Polynesian descent. Today, the Chamorros comprise over one third of the population and play an active role in the political and social life of the island. Guam has evolved into a multi-ethnic society.[2] According to the United States Census Bureau International Data Base, Guam's population for 2006 was 171,019. The main ethnic composition of the population is 37 per cent Chamorro, 26 per cent Filipino, and 11 per cent other Pacific islanders.[3] English and Chamorro are the official languages. The population growth rate in 2006 was estimated at 1.43 per cent.[4]

3. Most of the population is Christian, mainly Roman Catholic (90 per cent). Other major religious denominations are Baptist, Seventh-day Adventist, Latter-day Saints and Episcopalian.[5]

II. Constitutional, legal and political issues

4. Guam was administered by the United States Department of the Navy until 1950, when the United States Congress enacted the Guam Organic Act, which established institutions of local government and made Guam an organized Territory. Since then, the Territory has been administered by the Department of the Interior. Guam is an unincorporated Territory since not all provisions of the United States Constitution apply to the island. According to United States law, Guam, as an unincorporated Territory, is a possession of the United States but not part of the United States.

A. Constitutional structure

5. Guam has a locally elected Government, which comprises separate executive, legislative and judicial branches. Universal suffrage with respect to local elections

[1] The information contained in the present paper has been derived from published sources, including those of the territorial Government, and from information transmitted to the Secretary-General by the administering Power under Article 73 *e* of the Charter of the United Nations.

[2] www.doi.gov.oia.

[3] Central Intelligence Agency, *The World Factbook 2007*, Guam (see www.cia.gov).

[4] Ibid., 8 February 2007.

[5] United States Department of the Interior, Office of Insular Affairs, *Fact Sheet*, 1988.

applies to Guamanians 18 years and older. Guamanians are citizens of the United States, but they are not eligible to vote in United States presidential elections while resident in the Territory. The people of Guam elect a Governor, who serves a four-year term. The current Governor, Felix P. Camacho, assumed that post in January 2003 and was re-elected in 2006. The Governor is responsible for the general supervision and control of the executive branch and submits an annual report to the United States Secretary of the Interior for transmission to Congress. The Governor may issue executive orders and regulations, recommend bills to the Legislature, make his views known to that body and veto legislation.

6. The people also elect 15 senators, who serve two-year terms in a unicameral Legislature. The Legislature may override the Governor's veto. Under the Organic Act of 1950, the United States Congress reserves the authority to annul any law enacted by the Guam Legislature.

7. In 1972, a new law gave Guam one non-voting delegate to the United States House of Representatives. The delegate, who serves a two-year term, may vote in committee and, since January 2007, on the floor. The change is largely symbolic, however, as territorial delegates are allowed to vote only on floor amendments, not on final approval of bills.[6]

8. In February 2006, a bill was introduced in the Guam Legislature to expand its autonomy. Bill 259, the "Patriated Organic Act of Guam" enjoyed wide bipartisan support and requested the United States Congress to allow the local Legislature to amend the provisions of the Organic Act relating to local government with a view to enabling the people of Guam to make their own decisions on island issues.[7] According to the administering Power, the Bill, however, died during the 28th Legislature, as its sponsor, one-time Senator Klitzke, did not seek re-election.

B. Legal system

9. The judicial system in Guam comprises both local and federal components. The local judicial system is made up of a Superior Court and a Supreme Court led by judges appointed by the Governor and confirmed by the Legislature. Local judges are subject to confirmation by the voters every six years. At the federal level, a District Court judge, appointed by the President of the United States, is the head of the United States District Court for Guam. In 1998, Congress adopted an amendment to the Organic Act of Guam allowing the Guam Legislature to elect its own Attorney General for a four-year term. Attorney General Douglas Moylan, who took office on 6 January 2003, is the Chief Legal Officer of the Government of Guam. The Office of the Attorney General provides legal services to the Government of Guam and is empowered with prosecutorial authority.

10. In October 2004, President Bush signed an amendment to the Organic Act that established the judiciary of Guam as an independent branch of the Government.[8] The resolution also confirmed the appellate jurisdiction and administrative authority of the Supreme Court of Guam over all inferior courts in the Territory, thereby

[6] *The New York Times*, 25 January 2007.

[7] *Pacific Islands Report*, 2 February 2006.

[8] Information transmitted to the Secretary-General by the Government of the United States under Article 73 *e* of the Charter of the United Nations, in February 2006.

effectively establishing a unified local judiciary. The Guam Delegate to the United States Congress, Congresswoman Madeleine Bordallo, stated that the new law was "an important step forward for self-governance in Guam".[9]

C. Political parties and elections

11. Guam has two main political parties, the Republican Party and the Democratic Party, which are local chapters of the two main United States political parties. In November 2006, the Republican candidate, incumbent Felix Camacho, defeated former Congressman Robert Underwood by 864 votes and was re-elected Governor. Mr. Underwood contested the outcome in the Guam Supreme Court, arguing that the ballots on which voters marked more than one candidate ("overvotes") should be counted as "votes cast", a result that would have eliminated Mr. Camacho's majority and required a run-off election. Although a 2000 Guam law stated that overvotes not be counted, Mr. Underwood's legal team contended that the federal Organic Act contradicted the local law and should pre-empt it. The Guam Supreme Court ruled in December 2006 that the Guam Electoral Commission was right to exclude the overvotes, and Mr. Camacho was inaugurated for a second term in January 2007. Mr. Underwood announced in February 2007 that he planned to appeal the decision to the United States Supreme Court.[10] In the vote for the 29th Guam Legislature, the Republicans' majority dropped from nine to eight seats. The Democrats currently hold seven seats. In the election for Guam Delegate to the United States Congress, Democrat Madeleine Bordallo ran unopposed and was re-elected for her third two-year term.[11]

D. Political issues

12. Periodically, there have been moves in Guam to change the island's political status.[8] In a 1976 referendum Guamanians decided to maintain close ties with the United States, but also to begin negotiations to improve the Territory's status. In 1979, the people of Guam rejected a draft constitution by a margin of five to one, mainly on the grounds that the question of political status had to be resolved before a meaningful constitution could be drafted.[12] In a 1982 run-off referendum, 73 per cent of voters opted to pursue commonwealth status with the United States. According to the Commission on Self-Determination, established in 1984 to draft a commonwealth agreement, the status of which was intended to be an interim, which would provide an opportunity for Guam to structure a better relationship with the United States.

13. In May 1986, the Commission on Self-Determination completed a draft Commonwealth Act, which, after a public education campaign, was submitted to an article-by-article vote on 8 August 1987 (see A/AC.109/1192, paras. 19-37). Voters approved the central proposal, but rejected articles empowering the Government of Guam to restrict immigration and granting the indigenous Chamorro people the right

[9] *Pacific Daily News*, www.pacificmagazine.net, 10 November 2006.
[10] Ibid., 9 February 2007.
[11] Ibid., 8 November 2006.
[12] *Governing Guam: Before and After the Wars*, Guam Political Status Education Coordination Commission, Hagåtña, Guam, 1994.

to determine the future political status of the Territory. In a further referendum in November 1987, both of those outstanding provisions were approved after they had been amended and rewritten. A summary of the main points in the draft Commonwealth Act is contained in the 2001 working paper (A/AC.109/2001/4).

14. Discussions between the Guam Commission on Self-Determination and the United States Government on the draft Commonwealth Act began again in 1989 and continued through 1997 without resolution (see A/AC.109/2000/6, paras. 19-22, A/AC.109/1192, paras. 19-37, and A/AC.109/2018, paras. 74-83). According to a statement made by the then Governor, Carl T. C. Gutierrez, to the House Resources Committee of the 105th Congress in October 1997, the position of the United States executive branch with regard to the draft Act has essentially been that it was unconstitutional insofar as it did not recognize the plenary authority of Congress over Guam.

15. In 1997, Guam Public Law 23-147 established a Commission on Decolonization for the Implementation and Exercise of Chamorro Self-Determination. That Commission, in concert with a process of registration of eligible voters organized by the Guam Election Commission, was to oversee the conduct of a vote on the Chamorro people's status preferences of independence, integration or free association, in accordance with international standards.

16. In 2000, the Guam Legislature provided the Guam Election Commission with the power to set the date of the decolonization plebiscite. The plebiscite was expected to ask the Territory's indigenous people to choose between statehood, independence or free association with the United States. The indigenous people are defined by law as persons or descendants of persons who were in Guam at the time of the United States ratification of the Treaty of Peace with Spain in 1898 and/or persons or descendants of persons who received United States citizenship pursuant to the Organic Act of 1950. The plebiscite would have been non-binding but would have set the course of any future discussions of political status with the administering Power. The vote, scheduled to take place on 2 November 2004, was postponed because eligible voters had not been identified and registered, and the issue has not been further addressed.

III. Budget

17. Guam's fiscal year covers the period 1 October to 30 September.[4] The budget of Guam comprises revenues received by the Government of Guam and federal grants generally, allocated to particular sectors through the Department of the Interior on an ad hoc basis. The Governor has the power to veto a budget bill, following which the bill is returned to the Legislature, which can either override the Governor's veto by a special majority or reconsider the bill. In his State of the Island Address, the Governor referred to the present situation of the Government's finances as a "financial crisis" that could no longer be ignored and could not be addressed by "short-term solutions". He pointed out that with the exception of 2004, the deficit had been rising since 1998 and that the Government could no longer sustain its current level of operations.[13] Overall however, the Governor still remained confident that the economy would improve and would receive a

[13] State of the Island Address, 19 February 2007.

significant boost from planned increases in military activity.[14] The Government of Guam is spending at a rate that would add an additional $62 million[15] to its deficit in 2007.[16]

18. On 23 February 2007, before declaring a financial "state of emergency", Governor Camacho signed an executive order instituting government-wide austerity measures intended to drastically cut government spending. The order placed restrictions on public hiring, promotions, travel, overtime and other government functions.[17] More specifically, the Governor called for $13 million worth of spending cuts, $15 million worth of tax and fee increases and a $34 million loan to avoid laying off any of the Government's employees. If the plan is not implemented, the Government may have to dismiss more than 2,200 employees.[16]

19. The federal spending proposed for Guam in this fiscal recovery strategy for the fiscal year 2007 is $496 million, with expected revenues reaching $434 million.[18] At the federal level Guam received $283 million in grants in 2006. During a meeting in Washington, D.C., with the United States Administration in February 2007, Governor Camacho asked for an increase in funding levels for education, health care and safety programmes.[19]

20. In February 2007, President Bush proposed a budget of $403.8 million for 2008, including $74.9 million on programmes to assist the insular areas, including Guam.[20] According to the Office of Insular Affairs, the top two priorities for the insular areas continue to be the promotion of private sector economic development and the effort to ensure that there is proper accountability for the use of Federal funds.[21] Furthermore, Guam will receive $658,720 under a new grant awarded on 27 February 2007 by the United States Department of Homeland Security for fiscal year 2007. The grant was allocated to help states and local governments prepare for emergencies.[22]

21. In 2007, Guam's accumulated deficit was $511 million. Major positions which make up this deficit are $123 million tied to a ruling related to cost-of-living-allowances for retirees and $90 million owed in tax credits. In the case of cost-of-living-allowances, the Government owes the money to about 4,000 retirees because of a law that was in effect between 1988 and 1995, which required an adjusted cost-of-living allowance for retirees, based on the amount of the retirement check and changes in the cost of living. Retirees instead were paid a flat amount of $1,800.[16] The tax credit ruling, known as earned income tax credit is based on a case filed by Guam's working poor who were not able to claim an earned income tax credit on tax return forms in 1997 and 1998. They will now begin to receive refunds from the Government's tax department, although the payments will be only 10/15ths of what they are owed. The first payments from Guam's Department of Revenue and Taxation are due 2 April 2007.[18]

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[14] www.kuam.com, 12 March 2007.
[15] The United States dollar is the official currency of Guam.
[16] www.guampdn.com, 19 March 2007.
[17] Ibid., 24 February 2007.
[18] www.guamgovernor.net/, 20 March 2007.
[19] www.guam.gov, Government News, 1 March 2007.
[20] www.guampdn.com, 1 March 2007.
[21] www.doi.gov, Statement, 27 February 2007.
[22] www.pacificmagazine.net, 6 March 2007.

22. The Administration wants to address the deficit by borrowing money on the bond market. Guam law allows the Governor to borrow as much as $770 million on the bond market, but the Attorney General has argued that additional borrowing will exceed the legal debt limit set under the Organic Act.

23. The decision whether the Administration can undertake the bond borrowing rests with the United States Supreme Court, whose decision is expected by June 2007.[13] In the meantime the Government of Guam has been placed on a credit watch by the Standard and Poor's rating agency, which requires the Government to come up with a plan within 90 days to address its deficit and its cash shortfall or face a downgrading to junk bonds.[23]

IV. Economy

A. General

24. According to the Guam Economic Development and Commerce Authority, Guam's economy is 60 per cent dependent on tourism; 30 per cent, on the military; and approximately 5-10 per cent, on other industries.[24] These numbers are, however, likely to change as a result of an upcoming military expansion (see also para. 26). The construction sector is also an important contributor to the economy, while the farming and fishing sectors are relatively well developed. Vegetables, citrus and tropical fruits, coconuts and sugar cane are grown and livestock, especially poultry, is raised. Manufacturing sectors include textiles and garment production, cement and plastics.[25]

25. Guam is a duty-free port and an important distribution point for goods destined for Micronesia. Re-exports constitute a high proportion of Guam's exports, which include petroleum products, iron and steel scrap, automobiles, tobacco and cigars, among others. Principal trading partners of Guam are Japan, the Republic of Korea, the United States of America, the People's Republic of China, the Federated States of Micronesia and Palau.[26]

26. The gross domestic product (GDP) of Guam in 2005 was estimated at $2.5 billion, which was equivalent to $15,000 GDP per capita compared to $43,500 per capita for the United States Mainland in 2006.[27] Strong growth is expected for the military sector. Approximately $15 billion in military spending has been announced over the next 10 years, of which $10.3 billion will be used to fund the relocation of 8,000 marines and their estimated 12,000 dependents from Okinawa, Japan, to Guam. Of that amount 60 per cent is expected to be paid for by the Japanese Government. According to the First Hawaiian Bank, which has three branches in Guam, additional military spending alone of $1.5 billion in 2008, would spur economic growth of around 18 per cent.[28]

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[23] www.guampdn.com, 21 March 2007.

[24] *Pacific Daily News*, 31 March 2005 (see www.guampdn.com).

[25] "Guam" (see www.encarta.com).

[26] *Regional Surveys of the World: The Far East and Australasia 2005, 36th Edition*, Europa (Taylor and Francis Group), London and New York.

[27] CIA *World Factbook*, 8 February 2007; 15 March 2007.

[28] Economic Forecast — Guam Edition 2006-2007, First Hawaiian Bank, pp. 1, 12.

27. A report published by Guam's Department of Revenue and Taxation noted that Guam's tax base has eroded over the years owing to a variety of federal and local tax breaks. Individual income tax collections fell from almost $45 million in 1999 to $40 million in 2006 and corporate tax collections from $250 million in 1999 to $190 million in 2006, despite falling unemployment numbers.[29]

28. The last unemployment rate available for Guam was in 2004, when it stood at 7.7 per cent, which represents a strong decrease since 2000, when it reached more than 15 per cent.[30]

B. Primary economic sectors

1. Agriculture and fisheries

29. Information on developments in the area of agriculture and fisheries can be found in the previous year's working paper (A/AC.109/2006/8).

2. Manufacturing/industry

30. One of the major industries on Guam, and the third most important economic sector (after tourism and the public sector), is construction.

31. According to the executive director of the Joint Guam Program Office, approximately $4 million of the $10.3 billion in estimated costs for the Marine relocation will soon be spent on Guam for the construction of housing and related facilities.[31]

3. Tourism

32. Tourism is the largest single sector in Guam's economy and generates about 60 per cent of the Territory's revenue according to Guam Visitors Bureau and accounts for 35 per cent of total jobs. In 2006, it generated about $1.35 billion to the economy.[32]

33. About 1.2 million visitors arrived in 2006, which represents only a small decline of 1 per cent in comparison to 2005.[33] Arrivals from Japan fell some 2 per cent from 888,514 in 2005 to 875,413 in 2006 and arrivals from Taiwan dropped from 23,386 to 16,729, two of Guam's key visitor groups. In 2005, 78 per cent of all visitor arrivals came from Japan. The average hotel occupancy rate for 2006 was 60 per cent compared to 63 per cent in 2005.[34]

34. On 2 March 2007, the Guam Visitors Bureau published a five-year strategic plan to raise Guam's yearly visitor arrivals to 1.5 million and entice more guests who spend more and stay longer.[35] Among the strategies are the support of airline's

[29] www.kuam.com, 15 March 2007.

[30] Economic Forecast — Guam Edition 2006-2007, First Hawaiian Bank, p. 5.

[31] *Pacific Islands Report*, 22 January 2007.

[32] www.guampdn.com, 1 March 2007; Economic Forecast — Guam Edition 2006-2007, First Hawaiian Bank, p. 3.

[33] www.pacificmagazine.net, 1 February 2007.

[34] www.pacificmagazine.net, 1 February 2007; Economic Forecast — Guam Edition 2006-2007, First Hawaiian Bank, pp. 6-7.

[35] www.guampdn.com, 3 March 2007.

marketing efforts, promotion of Guam and Micronesia in tandem to special interest groups, such as seniors, honeymooners, divers and eco-tourists and a plan to host a regional tourism development conference for investors, financiers and operators to discuss business initiatives.[36]

35. According to the Governor's 2006 State of the Island Address, more than $120 million is being invested so that the airport can accommodate the growing number of visitors.[37] In order to further promote Guam's tourist industry, the Congressional Asian Pacific American Caucus has worked with the Guam Delegate to the United States Congress during the period under review to encourage the United States Department of Commerce to direct the focus of a $10 million "Visit the U.S.A." marketing effort in part towards Japan, rather than only towards the United Kingdom of Great Britain and Northern Ireland.[38]

36. As part of the service sector, Guam has also developed a financial sector. Some institutions are locally based, while others are branches with headquarters located outside Guam. In 2005, five banks had real estate lending activities that reached $10 million.[39]

C. Transport and communications

37. In 2006, the transport infrastructure of Guam comprised five airports, four of them paved and one unpaved of which Guam's international airport is the most modern in the Western Pacific; 977 kilometres of roadways, almost all paved; and one port.[40]

38. The Port Authority of Guam, which is a public corporation and an autonomous agency of the Government of Guam, administers the commercial port facilities at Apra Harbour. It is the entry point for 95 per cent of all goods entering Guam and serves as a trans-shipment centre for Micronesia.[39]

39. Guam serves as a major telecommunications hub for the Asia/Pacific rim. Guam has a modern digital telephone system, including cellular mobile service and local access to the Internet. The system is integrated with United States facilities for direct dialling, including free use of "800" numbers.

D. Water system, sanitation and utilities

40. Approximately 74 per cent of the water supply is provided by the Guam Waterworks Authority. The remainder is produced by the Air Force and Navy installations on Guam. The Government's water sources are groundwater and surface water (Ugum River). The Navy water source is a surface reservoir (Fena Lake) in the southern part of the island. Although Guam received special notice in the 2006 Environmental Protection Agency Progress Report for significant improvements to the safety and quality of drinking water, water-loss is still a

[36] "GVB Strategic Marketing Plan 2007-2011", Guam Visitors Bureau, 31 December 2006, pp. 36-37.

[37] State of the Island Address, 22 February 2006 (see www.guamgovernor.net).

[38] Congressional Address, by Madeleine Bordallo, 17 January 2006 (see www.house.gov/bordallo).

[39] Economic Forecast — Guam Edition 2006-2007, First Hawaiian Bank, p. 4.

[40] See footnote 4.

challenge. A total of 40 per cent of water treated is lost owing to siphoning off of water by non-paying users, infrastructure problems or meter inaccuracies.[41]

41. The first Consolidated Commission on Utilities, elected in 2002, oversees the operations of the Guam Waterworks Authority and the Guam Power Authority.

42. In February 2007, the Commission approved a Guam Waterworks Authority master plan after three years of consultations. The plan calls for $900 million worth of projects to be completed over the next two decades, and will be reviewed every two years. The plan was developed to help improve water and wastewater service on Guam.[42]

43. One of the projects to be completed in 2007 is the $2.5 million Fena Bypass Project, which is the construction of a 9,000-foot-long water transmission line.[43]

V. Military issues

44. Guam was administered by the United States Navy until 1950, and remains the site of extensive United States naval and air force installations. Petroleum storage, munitions stowage, extensive communications facilities and other service industries that cater to the military establishment form the basis of the military infrastructure in Guam.

45. Following a decision of the United States Government in 2005 to realign United States Marine Corps capabilities in the Pacific region, approximately 20,000 United States military personnel and their families will be transferred to Guam from Okinawa over a period of six years. During a short visit to Guam on 22 February 2007, the United States Vice President, Dick Cheney, stressed the future strategic importance of the Territory.[44]

46. This military expansion will lead to almost a doubling of the present level of military personnel. The move is anticipated to benefit Guam's economy in the amount of $1.5 billion per year once the process begins.[45]

47. A poll conducted by the *Pacific Daily News* found that 61 per cent of the Guamanians surveyed believed that the military expansion would benefit the island, whereas 15 per cent regarded it as a "bad thing" for the island.[46]

48. With regard to the military's presence on Guam, many Guamanians are still seeking answers from past military activities on the island. A "Right to Know" Commission was set up in 2006 and a meeting in March 2007 was to start organizing the work of the Commission.[47]

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[41] United States Department of the Interior Office of Insular Affairs, "A Private Sector Assessment for Guam", August 2006, http://www.doi.gov/oia/reports/IslandFellows2006PSAGuamDBCFinal.pdf.

[42] www.kuam.com, 30 January 2007; Water Resources Master Plan — Commonly Asked Questions, www.guamwaterworks.org, 21 March 2007.

[43] www.kuam.com, 13 March 2007.

[44] The Associated Press, 22 February 2007.

[45] Economic Forecast — Guam Edition 2006-2007, First Hawaiian Bank, pp. 8-9.

[46] *Pacific Daily News*, 23 August 2006.

[47] www.kuam.com, 27 February 2007.

49. Related to the large population increase by 2010 is the need to improve infrastructure. Preliminary infrastructure to support the military move alone, outside of military facilities has been estimated to cost $945 million.[48]

50. Three submarines are already based in Apra Harbour. Pacific Air Forces have committed to basing a Global Strike Task Force at Andersen Air Force Base on Guam.

51. The Andersen Army Base started construction of a $52.8 million project that will house up to 10 unmanned spy planes. In Apra Harbour the wharves will be refurbished to accommodate aircraft carriers.[49]

52. The United States Congress authorized $193 million in military construction funds for Guam in the fiscal year 2007 National Defense Authorization Act, a $31 million increase over 2006 funding.[50]

53. For 2008, the proposed federal budget is $345 million for military construction projects on Guam, with $335 million allocated for projects on Naval Base Guam and $10 million for projects on Andersen Air Force Base.[51]

54. In March 2006, a local company received a $49.9 million contract for Alpha and Bravo wharf improvements at Naval Station Marianas. Work is expected to be completed in June 2008.[52] Currently, construction is continuing on a $13.7 million war reserve materiel warehouse and $13 million worth of munitions storage igloos at Andersen Air Force Base are in the early stages. Construction of the new $29.5 million Guam High School in the Naval Hospital compound and a new $38.4 million elementary/middle school on a Naval Base are also well under way. In addition, 99 housing units in the Navy's South Finegayan housing area are being revitalized. The $21 million project is to be completed by March 2008.[53]

55. On 22 January, the Navy held a groundbreaking ceremony for the construction of 204 three-bedroom homes in the Navy's North Tipalao housing area, a $35.9 million project, which is scheduled to be completed in October 2008.[54]

56. All future military growth is expected to take place on the 39,000 acres of existing military-owned real estate on Guam, which represents almost a third of the Territory's land area.[55]

57. As announced in the State of the Island Address, during the course of 2007 the largest anti-terrorism exercise in the world will be held in Guam. According to Governor Camacho, Guam was chosen owing in large part to its aggressive approach to increasing its preparedness and strengthening its emergency management systems.[13]

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[48] Economic Forecast — Guam Edition 2006-2007, First Hawaiian Bank, p. 9.
[49] *Newsweek International*, 26 February 2007.
[50] www.defenseindustrydaily.com, 1 February 2007.
[51] *Pacific Islands Report*, 14 February 2007.
[52] www.defenseindustrydaily.com, 10 March 2006.
[53] www.buildingindustryhawaii.com/307_guam.asp, accessed 21 March 2007.
[54] www.guampdn.com, 22 February 2007.
[55] Economic Forecast — Guam Edition 2006-2007, First Hawaiian Bank, p. 8.

VI. Land issues

58. Information on developments on land issues can be found in the previous year's working paper (A/AC.109/2006/8).

VII. Social conditions

A. Law and order

59. According to the Guam Police Department 2005 Crime Report, the crime rate on the island has gone down. Governor Camacho stated during his re-election campaign in 2006, that greater police presence, a strong campaign against violence against women and children, more confiscations of illegal drugs at the borders and rehabilitation programmes had led to this positive development. Since taking office, the Government has hired 75 new police officers, a 30 per cent increase in the Police Force of 313 officers.[56]

60. The Governor also announced the building of new police and fire stations in Dededo. One project which is in its final construction phases is a new Emergency Operations Center.[13]

61. With youth violence representing an increasing problem on Guam, an upcoming 17th annual conference "Youth for Youth Live" in April 2007 will focus on prevention of underage drinking, suicide and school violence, as well as substance abuse.[57]

B. Labour

62. According to the Guam Department of Labor, the number of both private sector and government jobs on Guam increased by 860 from December 2005 to December 2006, reaching 58,860 registered jobs. While construction jobs and jobs in retail trade, finance, insurance and real estate slightly decreased, jobs in the hotel business, services, transportation and public utilities, the Government of Guam and the federal Government increased in numbers.[58] As mentioned earlier (para. 28) the unemployment rate has gone down significantly in recent years.[59]

63. About 20,000 jobs are tourism-related, or approximately 35 per cent of total jobs on the island in 2006.[60]

64. In October 2006 the Governor announced a partnership between the Government and the local military, which seeks to help veterans and military spouses to fill about 2,600 critically needed jobs on Guam, which have gone unfilled by the civilian workforce. The programme will use federal funds to train and place the participants.[61]

65. Federal regulation that prevented skilled non-immigrant foreign workers from working in military construction projects in the Territory was lifted at the end of

[56] www.camachocruz2006.com/content/view/488/78/.
[57] www.kuam.com, 4 March 2007.
[58] *Marianas Variety*, 7 February 2006 (see www.mvariety.com).
[59] www.guamdol.net/BLS/2006%20December%20Current%20Employment.pdf.
[60] Economic Forecast — Guam Edition 2006-2007, First Hawaiian Bank, p. 3.
[61] www.guampdn.com, 11 October 2006.

2006.[62] Officials have estimated that as many as 20,000 skilled construction workers will be needed on the island for that work. In 2006 the island had about 5,000 construction workers.[63] In July 2006, the Governor also signed Bill 261 into law, which created a registered apprenticeship programme and authorized the Department of Labor to contract with businesses and offer incentives in order to further develop a much-needed skilled workforce.[64]

C. Education

66. Guam has an extensive public and private education system. The public education system includes the University of Guam, Guam Community College, 4 public high schools, 7 middle schools and 27 elementary schools. The private system includes 2 business colleges, 5 high schools and several elementary schools, most of which are affiliated with Roman Catholic and Protestant religious denominations. A bill in 2002, the Guam Charter Schools Act, allowed the establishment of private charter schools independent from the Department of Education.[65] According to estimates in 1990, about 99 per cent of Guamanians over the age of 15 were literate.

67. In his February 2007 State of the Island Address, Governor Camacho announced the building of four new public schools on Guam over the next two years. There is, however, resentment among part of the local population over the lack of funding for Guam's local schools, which is not the case for schools set up for children of the military personnel. This might be one reason why the Governor's stated goal for the future is a school system, integrating civilian and military students.[13]

68. In 2005, the United States Department of Education allocated over $546,000 to the Guam Community College and the University of Guam to increase the retention and graduation rates of low-income and first-generation college students, and college students with disabilities. The Department also awarded the Guam Department of Education $9.2 million over the next three years for a teacher quality enhancement programme.[66]

69. In February 2007, the Guam Education Policy Board approved a $234 million budget for the Guam Public School System for fiscal year 2008.[67] Throughout 2006 and continuing in 2007, the Administration has struggled every other week to meet its $6 million payroll, leading in some cases to unpaid utility bills and reduced paychecks.[68]

D. Public health

70. Life expectancy of Guamanians for 2006 was 75.52 years for male and 81.83 years for female.[4] The major health facility in Guam and the Federated States of

[62] Bill No. 323, www.guamlegislature.com/bills.htm, 30 December 2006.
[63] www.pacificmagazine.net, 19 September 2006.
[64] www.kuam.com, 19 July 2006.
[65] *Pacific Daily News*, 30 January 2002 (see www.guampdn.com).
[66] Press releases of Congresswoman Bordallo, 1 April and 31 March 2005 (see www.house.gov/bordallo).
[67] www.kuam.com, 28 February 2007.
[68] www.kuam.com, 16 June and 1 July 2006; www.guampdn.com, 5 and 19 March 2007.

Micronesia, the Guam Memorial Hospital, is owned by the Government and has 192 beds, including 159 beds for acute care. The United States Naval Hospital serves military personnel and dependents as well as veterans. The Guam Department of Public Health operates about a dozen medical and dental clinics.[2]

71. In his 2007 State of the Island Address, the Governor noted that rising cost, limited access to care, a shortage of doctors and nurses and lack of bed space were real problems for Guam. He emphasized the need to prevent chronic diseases and referred to the "Healthy Guam Initiative", which was scheduled to be launched in the first part of 2007.[13]

72. A federally funded expansion project at the Northern Regional Community Health Center will be completed around May 2007, while a new wing already opened in February 2007. In addition to physical expansions, there are plans to hire three more doctors, four more nurses and several additional staff. The community centre will maintain its focus on providing primary care since it is not equipped to cope with emergency cases.[69]

73. In February 2006, President Bush signed into law the Deficit Reduction Act of 2005, providing Guam with an additional $7.5 million in Medicaid funding for the needy for the fiscal years 2005-2006.

74. In addition, the 2007 Farm Bill, of which the United States Department of Agriculture is proposing to use $85 million to support $1.6 billion in loan guarantees for the reconstruction and rehabilitation of certified rural critical access hospitals, is of great interest for Guam according to the Governor, as it could improve the delivery of health services in more rural areas.[70]

75. The United States Navy also plans to spend almost $300 million on a new hospital to replace an outdated facility while preparing for the influx of marines in the next few years. Groundbreaking is planned for 2008 with construction of a hospital generally taking three to five years.[71]

E. Housing

76. According to the Guam Delegate to Congress, Madeleine Bordallo, the Territory is faced with increasing numbers of homeless people. In order to alleviate that problem, in 2006 the United States Department of Housing and Urban Development awarded $500,000 to the Guam Housing and Urban Renewal Authority as part of the Continuum of Care-Homeless Assistance Awards programme. The programme provides funding for a range of assistance to homeless persons, including transitional housing, permanent housing and a variety of supportive services.[72]

77. According to the First Hawaiian Bank, Guam real estate prices have just recently attained late 1990s pre-recession levels even though the number of sales continues to climb. Reasons are attributed to expectations about the military build-up and low interest rates. Single-family-home prices have risen 41 per cent from 2003 through the first half of 2006 and condominium prices 74 per cent.

[69] www.guampdn.com, 7 March 2007.
[70] www.pacificmagazine.net, 16 March 2007.
[71] www.estripes.com, 6 July 2006.
[72] www.hud.gov/news, 20 February 2007.

Traditionally, Guam's offshore demand has mostly come from Asia but more investors are now from the United States Mainland and Hawaii.[73] While real estate transactions on the island during the downturn in the earlier part of this decade totalled $120 million, sales for 2006 are estimated to be in excess of $400 million.[74]

F. Immigration

78. A major issue in the federal Government's relations with Guam is migration from the Freely Associated States of the Marshall Islands, Micronesia (Federated States of) and Palau. The Compact of Free Association Act of 1986, which established the relationship between the United States and the Federated States of Micronesia, and the Marshall Islands, authorized unrestricted migration from those Pacific island nations to the Territories and possessions. The Act enabled citizens of the Freely Associated States to enter Guam and to engage lawfully in occupations as non-immigrant aliens.[75] Those immigrants and their American-born children have settled in Guam, Hawaii and the Northern Mariana Islands, which has strained the resources of recipient States and Territories.

79. In order to reimburse Guam, the other Territories and Hawaii for the cost of providing government services for regional immigrants, the federal Government has issued Compact-impact funding. In December 2003, the Compact of Free Association Amendments Act of 2003 was passed, renewing the original Compact of 1986 for another 20 years. Additional Compact-impact reimbursement is authorized if impact costs rise above the mandatory appropriation of $30 million per year. An estimated $12 million to $14 million in annual funding is expected for Guam. At the same time, at the request of the Governor of Guam, the President is authorized to release, reduce or waive, in whole or in part, any amounts owed by the Government of Guam to the United States Government as an offset for past Compact-impact costs that were not reimbursed.

80. The President's budget proposal for the fiscal year 2006 announced that Guam would receive $14.2 million for that purpose.[76] The Compact-impact allocation to Guam of $14.2 million will remain the same for 2007.[77]

81. In addition, the immigration policies currently applied to Guam have resulted in a considerable increase in migration from countries, particularly the Philippines, to Guam. The 2000 census indicated that, while the Chamorro population stood at 65,243, the non-Chamorro population was 86,798.

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[73] Economic Forecast — Guam Edition 2006-2007, First Hawaiian Bank, pp. 10-11.

[74] www.kuam.com, 30 November 2006.

[75] United States Department of the Interior, Office of Insular Affairs, Report on the State of the Islands, 1999, chap. 4.

[76] *Pacific Daily News*, "White House denies request for debt relief", 1 January 2005 (see www.guampdn.com); press release of Congresswoman Bordallo, "President Bush Sends Congress FY 2006 Budget Proposal", 7 February 2005 (see www.house.gov/bordallo).

[77] www.house.gov/bordallo.

G. Human rights and related issues

82. Information on human rights and related issues can be found in the 2003 working paper (A/AC.109/2003/15).

VIII. Environment

83. Guam continues to experience environmental problems related to the United States occupation during the Second World War (see A/AC.109/2001/4, para. 83, and A/AC.109/2005/7, para. 67). In January 2002, the Navy agreed to pay $42,000 in fines and to spend $380,000 to improve its waste management, after the United States Environmental Protection Agency found that the Navy Public Works Center had handled hazardous waste poorly in the year 2000.[76] In October 2004, the Washington-based Board of Radiation Effects Research Committee started to examine possible radiation exposure Guam residents might have suffered as a result of the United States nuclear tests in the Marshall Islands in the 1950s.[78]

84. In April 2005 the Guam Delegate to the United States Congress, Madeleine Bordallo, welcomed the recommendation of the Committee to Assess the Scientific Information for the Radiation Exposure Screening and Education Program that all Americans should be given the same consideration when it comes to compensation for exposure to radiation from United States nuclear testing — including the people of Guam. According to Congresswoman Bordallo, that marks a significant departure from the current compensation programme, which uses geographic, rather than scientific, criteria.[79]

85. With regard to contamination, a $13 million cleanup project beginning at Urunao has drawn a great deal of attention. In 1945, the United States Air Force had used that cliffside as a dumping ground for all sorts of non-biodegradable materials. Just how much damage the area contains has yet to be determined, although according to the Guam Environmental Protection Agency, the site holds potential ecological, public health and chemical risks.[80]

86. The severity of the issue is also emphasized by Professor Szyfres of the University of Guam College of Natural and Applied Sciences, who states that although there might no longer be dumpsites of toxic chemicals on Guam, the island itself remains contaminated. He cited studies by the Agency for Toxic Substances and Disease Registry and the United States Environmental Protection Agency, which presented concrete evidence that the soil and groundwater of Guam contains toxic chemicals, and that concentrations of the toxic chemicals are above acceptable levels. Professor Szyfres also pointed to a Government of Guam report, which showed that in comparison to the continental United States, many diseases on the island have epidemic proportions and death rates there are higher than in the Mainland. Furthermore, he noted that the prevalence of certain types of cancer is much higher in Guam than in the Mainland.[81]

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[78] www.hawaiipublicradio.org, 11 October 2004.

[79] Press release of Congresswoman Bordallo, 28 April 2005 (see www.house.gov/bordallo).

[80] www.kuam.com, 1 March 2007.

[81] Pacific Islands Report, http://pidp.eastwestcenter.org/, 8 December 2006.

87. In late 2006, the Guam International Airport Authority and the Guam Environmental Protection Agency were awarded $1 million of federal grant money for the cleanup of brownfield sites, which are abandoned areas that are hard to develop because of real or suspected contamination.[82]

88. The United States Administration also signed the Tax Relief and Health Care Act of 2006, which included an extension of certain expiring tax provisions, energy tax provisions, health savings account modifications, and other tax breaks. Thus, the Act extends for two years the present law provisions relating to Expensing of Brownfields Remediation Costs, which will run until 31 December 2007. In addition, the Act expands the definition of hazardous substance to include petroleum products.[83] The Brownfield tax incentive allows a taxpayer to fully deduct the costs of environmental clean-up in the year the costs were incurred rather than spreading them over a period of years. Its purpose is to spur the clean-up and redevelopment of Brownfields.[84]

89. On 7 March 2007, the United States District Court of Guam expressed its leaning towards holding the Government of Guam in contempt over the failure to close the Ordot dump, which continues to pose grave health hazards to the inhabitants of the surrounding villages. Guam Government Attorney Helen Kennedy noted that it was a matter of funding in shutting down the dump and preparing for a new landfill, which was estimated at $59 million and scheduled for opening in July 2010. United States Magistrate, Judge Manibusan asked if the Government could afford to expose the community to hazards for another three to four years and noted it seemed as if they had failed to give priority to the health of the community, while giving more concern to paying back tax credits and due cost-of-living allowances (see also para. 21).[85]

90. In March 2007, the United States Navy announced that it would prepare an environmental impact statement in order to evaluate the potential effects on the environment as a result of the marine units' activities and upcoming expansion, including infrastructure changes.[86]

IX. Consideration of the question by the United Nations

A. Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

91. The Special Committee considered the question of Guam at its 12th meeting, on 16 June 2006 (see A/AC.109/2006/SR.12). The Chairman introduced draft resolution A/AC.109/2006/L.19, which was adopted without a vote.[87]

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[82] www.kuam.com, 1 December 2006.

[83] www.epa.gov/brownfields/, 15 February 2007.

[84] www.epa.gov/brownfields/tl_faq_final.pdf.

[85] http://pidp.eastwestcenter.org/pireport/, 8 March 2007.

[86] www.pacificmagazine.net, 15 March 2007.

[87] See General Assembly resolution 61/128.

B. Special Political and Decolonization Committee (Fourth Committee)

92. At its 4th meeting, on 4 October 2006, the Special Political and Decolonization Committee (Fourth Committee) of the General Assembly was addressed by six petitioners from Guam, who advocated against the continued militarization of the Territory by the United States. More than one third of the island remained militarily occupied and the Chamorro people were increasingly concerned that the administering Power had attempted to undermine — if not eliminate — the decolonization process over the past 20 years. The petitioners also called on the administering Power to fulfil its treaty obligations to provide adequate information on the Chamorro right to decolonization. The speakers also denounced the lack of Chamorro involvement in any decision-making processes or strategic plans that had a significant impact on the island, and asked the Fourth Committee to recommend to the General Assembly the adoption of a resolution condemning Guam's militarization as a breach of duty on the part of the administering Power. They also asked the United Nations to urge the United States to pay war reparations, clean up toxin waste deposited in Guam's land and water supply and to pay adequate compensation for the land it was using for military purposes.

C. Action by the General Assembly

93. On 14 December 2006, the General Assembly adopted resolutions 61/128 A and B by 173 votes to none, with four abstentions. Section VI of resolution 61/128 B is devoted specifically to Guam.

X. Future status of the Territory

A. Position of the territorial Government

94. On 2 November 2004, Guam was scheduled to hold a plebiscite on self-determination to determine the future political status of the island. The plebiscite was postponed, primarily because eligible voters had not been identified and registered. Since then the issue of the political status of the island has not been further addressed.

B. Position of the administering Power

95. At the sixty-first session of the General Assembly, speaking on 22 December 2006, in explanation of vote after the adoption of resolution 61/231 on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies, the United States representative inter alia stated the following:

> "The very term 'non-self-governing' seems inappropriate for territories able to establish their own constitution, elect their own public officers, have representation in Washington, D.C., and choose their own economic path. The United States was fully supportive when countries chose independence, and was proud to welcome them as equal and sovereign partners. In the case of

Territories that did not choose independence, however, the United States has also supported the right of people in those Territories to a full measure of self-government, including the rights to integration and free association. The United States calls upon all Member States to respect the choices made by residents of Non-Self-Governing Territories" (see A/61/PV.84).

96. Assistant Secretary of State for legislative affairs in a letter to an American Samoa Congressman, outlined the position of the United States Government on the status of American Samoa and other United States Insular Areas. The Assistant Secretary's letter noted that the status of those Insular Areas regarding their political relations with the federal Government were United States internal issues and not those of the Special Committee on Decolonization. The letter also noted that the Committee had no authority to alter in any way the relationship between the United States and those Territories and no mandate to engage the United States in negotiations on their status. The letter further stated that at the same time, under its United Nations Charter obligations to provide regularly to the United Nations statistical and other information of a technical nature relating to economic, social and educational conditions in the Territory, the federal Government did submit annual updates about the United States Territories to the Committee as a demonstration of United States cooperation as an administering Power. The annual reports were also an opportunity to correct any errors in information the Committee might have received from other sources. The General Assembly had agreed in 1960 to a set of principles governing whether a territory was non-self-governing and the United States would have to provide the Committee with information showing that those principles were satisfied before the Committee would agree to "de-list", these Insular Areas.[88]

[88] http://samoanews.com, 7 November 2007.

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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Western Sahara

Working paper prepared by the Secretariat

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I. Report and good offices of the Secretary-General

1. Pursuant to General Assembly resolution 60/114, the Secretary-General submitted to the Assembly at its sixty-first session a report on the question of Western Sahara (A/61/121). The report covered the period from 1 July 2005 to 30 June 2006 and reviewed the activities carried out by the Secretary-General in the exercise of his good offices.

2. Also during the period under review, the Secretary-General submitted two reports to the Security Council on the situation concerning Western Sahara (S/2006/249 and S/2006/817), pursuant to Security Council resolutions 1634 (2005) and 1675 (2006). The Security Council also adopted resolution 1720 (2006) on 31 October 2006.

3. In its resolution 1634 (2005), the Security Council decided to extend the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) until 30 April 2006. The Council also requested the Secretary-General to provide a report on the situation in Western Sahara before the end of the mandate period and requested the Personal Envoy of the Secretary-General, Peter van Walsum, to provide a briefing, within three months of the adoption of the resolution, on the progress of his efforts.

4. In accordance with Security Council resolution 1634 (2005), the Personal Envoy briefed the Security Council on 18 January 2006 on the progress of his efforts.

5. Pursuant to Security Council resolution 1634 (2005), the Secretary-General submitted to the Council a report dated 19 April 2006 (S/2006/249) in which the Council was informed that, in his briefing of 18 January 2006 to the Security Council, the Personal Envoy had concluded that the Security Council was firm in its opinion that it could only contemplate a consensual solution to the question of Western Sahara. From this the Personal Envoy had deduced that there were only two options left: indefinite prolongation of the current deadlock in anticipation of a different political reality; or direct negotiations between the parties. Therefore he suggested direct negotiations without preconditions should be held.

6. At the same time, it should be made clear to the parties that the United Nations was taking a step back and that the responsibility now rested with them. However, that did not mean that the parties would henceforth be on their own, as there was consensus in the Council that any solution to the problem of Western Sahara had to be found in the framework, or under the auspices, of the United Nations.

7. The Secretary-General further reported that, since his briefing of 18 January 2006, the Personal Envoy had become even more conscious of the forces outside the region constituting a powerful temptation to acquiesce in the continuation of the impasse, as many countries would find the status quo to be more tolerable than any of the possible solutions.

8. The Secretary-General concurred with the view of his Personal Envoy that the Security Council could not afford to adopt such an attitude. It could not wait for the question of Western Sahara to deteriorate from being a source of potential instability in the region to becoming a threat to international peace and security. Instead, both the Council and its individual member States should do all in their power to help negotiations get off the ground. The objective of those negotiations must be a just,

lasting and mutually acceptable political solution that would provide for the self-determination of the people of Western Sahara.

9. A second report dated 16 October 2006 (S/2006/817) stated that, during his various meetings in the region and in New York, the Personal Envoy had listened to the parties' concerns and positions on the way out of the current impasse, and reiterated the recommendation for negotiations between Morocco and the Frente Polisario.

10. With regard to military activities, MINURSO continued to enjoy good relations with both the Royal Moroccan Army and the Frente Polisario armed forces, although the parties continued to abstain from dealing directly with each other. On 1 June 2006, MINURSO had started to record restrictions on freedom of movement for military observers as violations of military agreement No. 1, and from 1 June to 5 October 2006, 539 such violations had been recorded on the side of the Royal Moroccan Army and 86 on the Frente Polisario side. The Mission had organized mine awareness activities in the form of mine-risk education in the refugee camps of Tindouf.

11. With regard to confidence-building measures, the programme of exchange of family visits between the Territory and the refugee camps in the Tindouf area had been resumed on 25 November 2005 after an 11-month hiatus. However, it had been suspended again in late May 2006 owing to difficulties related to flight schedules. The telephone service between the Tindouf camps and the Territory continued to operate successfully, and the Office of the United Nations High Commissioner for Refugees remained ready to implement the postal service in accordance with the modalities initially proposed or under any terms that would meet the approval of all concerned.

12. With regard to restructuring and administration of the Mission, the recommendations of a civilian management review conducted in May 2005 and a security assessment conducted in December 2005 were being implemented, with the resultant transfer of 30 international staff positions to a combination of United Nations Volunteer and local staff positions.

13. In his recommendations and conclusions, the Secretary-General stated that, based on the assessment of the activities of his Personal Envoy, he would like to recommend that the Security Council call on the two parties, Morocco and the Frente Polisario, to enter into negotiations without preconditions, with a view to achieving a just, lasting and mutually acceptable political solution that would provide for the self-determination of the people of Western Sahara. The neighbouring countries, Algeria and Mauritania, should also be invited to these negotiations and consulted separately on issues directly affecting them, in accordance with the format that was observed during the tenure of the previous Personal Envoy, James A. Baker III.

14. Concluding the report, the Secretary-General expressed his appreciation to his Special Representative, Francesco Bastagli, for service with great dedication until the end of September 2006.

15. In a letter dated 31 January 2007 (S/2007/55), the Secretary-General informed the President of the Security Council of his intention to appoint Julian Harston of the United Kingdom of Great Britain and Northern Ireland as his Special Representative for Western Sahara.

II. Consideration by the Security Council

16. The Security Council considered the reports of the Secretary-General contained in documents S/2006/249 and S/2006/817.

17. By its resolution 1634 (2005), the Security Council decided to extend the mandate of MINURSO until 30 April 2006 and requested the Secretary-General to provide a report on the situation in Western Sahara before the end of the mandate period.

18. By its resolution 1675 (2006), the Security Council reaffirmed its commitment to assist the parties to achieve a just, lasting and mutually acceptable political solution, which would provide for the self-determination of the people of Western Sahara in the context of arrangements consistent with the principles and purposes of the Charter of the United Nations, and noted the role and responsibilities of the parties in this respect. The Council also reaffirmed the need for full respect of the military agreements reached with MINURSO with regard to the ceasefire and called on Member States to consider voluntary contributions to fund confidence-building measures that allowed for increased contact between separated family members, especially family unification visits. The Council requested the Secretary-General to continue to take the necessary measures to achieve actual compliance in MINURSO with the United Nations zero-tolerance policy on sexual exploitation and abuse, including the development of strategies and appropriate mechanisms to prevent, identify and respond to all forms of misconduct, including sexual exploitation and abuse, and the enhancement of training for personnel to prevent misconduct and ensure full compliance with the United Nations code of conduct, and requested the Secretary-General to take all necessary action in accordance with the Secretary-General's Bulletin on special measures for protection from sexual exploitation and sexual abuse (ST/SGB/2003/13) and to keep the Council informed. The Council also urged troop-contributing countries to take appropriate preventive action including the conduct of predeployment awareness training, and to take disciplinary action and other action to ensure full accountability in cases of such conduct involving their personnel. The Council decided to extend the mandate of MINURSO until 31 October 2006.

19. In a letter dated 26 June 2006 addressed to the President of the Security Council, referring to resolution 1675 (2006), the Secretary-General stated that the resolution had been adopted unanimously, but most of the members of the Council who had made a statement after the vote had expressed the hope that the next six months would be used to make progress beyond the current impasse, so that at the next mandate renewal in October the Council would not need to content itself again with a purely technical rollover. The Secretary-General went on to say that he felt that all should act to move the process forward.

20. In its resolution 1720 (2006), the Security Council, inter alia: reaffirmed its strong support for the efforts of the Secretary-General and his Personal Envoy; reiterated its call upon the parties and States of the region to continue to cooperate fully with the United Nations to end the current impasse and to achieve progress towards a political solution; reaffirmed the need for full respect of the military agreements reached with MINURSO with regard to the ceasefire; called on Member States to consider voluntary contributions to fund confidence-building measures that allowed for increased contact between separated family members, especially family

unification visits; requested the Secretary-General to provide a report on the situation in Western Sahara before the end of the mandate period; and decided to extend the mandate of MINURSO until 30 April 2007.

III. Consideration by the General Assembly

21. During the general debate at the sixty-first session of the General Assembly, a number of representatives referred to the question of Western Sahara in their statements. During the debate in the Special Political and Decolonization Committee (Fourth Committee), held from 3 to 13 October 2006, a number of Member States also made reference to the question of Western Sahara.

22. At its 3rd meeting, on 3 October 2006, the Fourth Committee heard the following statements: Youcef Yousfi (Algeria); Samuel Outlule (Botswana); Crispin S. Gregoire (Dominica), speaking on behalf of the Caribbean Community (CARICOM); Simione Rokolaqa (Fiji); Régis Onanga Ndiaye (Gabon); Kaire Mbuende (Namibia); Asim Iftikhar Ahmad (Pakistan); Paul Badji (Senegal); Dumisani S. Kumalo (South Africa); Norah L. Katabarwa (Uganda).

23. At its 4th meeting, on 4 October 2006, the Committee heard the following petitioners: Charles Wilson, U.S.-Western Sahara Foundation; Aymeric Chauprade, University of Paris; Nancy Huff, Teach the Children International; Erik Hagen, Norwegian Support Committee for Western Sahara.

24. At its 5th meeting, on 5 October 2006, the Committee heard the following petitioners: Janet Lenz, Christ the Rock Community Church; Prudencio Javier Morillas Gómez, University of San Pablo; Jan Strömdahl, Swedish Western Sahara Committee; Lord Newall, International Committee for the Tindouf Prisoners; Latifa Aït-Baala, Action internationale femmes; Isaac Castellano Sanginés, Member, Canary Islands Parliament; Sandra Cioffi, Popolari Udeur Group Italian Parliament; Tanya Warburg, Freedom for All; Francisco José Alonso Rodríguez, Liga Española Pro-Derechos Humanos; Toxmin Aurrekoetxea, Federación Estatal de Instituciones Solidarias con el Pueblo Saharaui a nivel del Estado Español; María Inés Miranda Navarro, Consejo General de la Abogacía Española; Sydney S. Assor, Surrey Three Faiths Forum; Jane Bahaijoub, Family Protection; Samuele Piccolo, Rome City Councilman; Nicola Quatrano, Osservatorio Internazionale; Mohamed El Mojahdi, Association sahraouie des droits de l'homme; Denis Ducarme, Member, Belgian Parliament; Anna Maria Stame Cervone, Christian Democrat and People's Parties International; Claude Moniquet, European Strategic Intelligence and Security Center; Jacinta De Roeck, Belgian Parliamentary Intergroup "Peace for the Sahrawi People".

25. At its 6th meeting, on 6 October 2006, the Committee heard statements from the following petitioners: Baba Ahl Mayara, Association de l'unité et de la réconciliation; Brahim Ballali, Association of Sahraoui Parents and Victims of Repression; Inés Jávega Soley, Asociación Saharaui para la Defensa de Derechos Humanos; Fabián Martín Martín, Partido independiente de Lanzarote; Gajmoula Ebbi, Royal Advisory Council for Saharan Affairs and Committee for Sahraui Families Reunion; Mustapha Bouh, former member of the Political Bureau of the Frente Polisario; Ahmed Boukhari, Frente Polisario.

26. At its 9th meeting, on 13 October 2006, the Committee adopted draft resolution A/C.4/61/L.5 by 76 votes to none, with 72 abstentions. Under the draft resolution, the General Assembly underlined Security Council resolution 1495 (2003), in which the Council expressed its support of the peace plan for self-determination of the people of Western Sahara as an optimum political solution on the basis of agreement between the two parties. Further, it called upon all parties to cooperate with International Committee of the Red Cross in its efforts to solve the problem of the fate of the people unaccounted for, and called upon the parties to abide by their obligations under international humanitarian law to release without further delay all those held since the start of the conflict. After the vote, the following delegations expressed regret that a consensus had not been reached: Brazil, Philippines, Guatemala, Myanmar, Russian Federation, Japan, Portugal, Sweden, Italy, Czech Republic, Greece, Malaysia, Belgium, Ireland, Egypt, Ukraine, Croatia, Slovakia, Thailand, New Zealand, Denmark, Cameroon, Canada, Norway, Poland, Indonesia, Slovenia, Netherlands, Paraguay, Spain, Hungary.

27. On 14 December 2006, the General Assembly adopted draft resolution I, entitled "Question of Western Sahara", recommended by the Fourth Committee (A/61/415, para. 29), by 70 votes to none, with 91 abstentions, as resolution 61/125. Under the resolution, the Assembly, inter alia, recalled Security Council resolution 1495 (2003), in which the Council expressed its support of the peace plan for self-determination of the people of Western Sahara as an optimum political solution on the basis of agreement between the two parties, and resolutions 1541 (2004), 1570 (2004), 1598 (2005), 1634 (2005) and 1675 (2006). The Assembly expressed strong support for the efforts of the Secretary-General and his Personal Envoy to achieve a mutually acceptable political solution to the dispute over Western Sahara and called upon all the parties and the States of the region to cooperate fully with the Secretary-General and his Personal Envoy. The Assembly further requested the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to continue to consider the situation in Western Sahara and to report thereon to the Assembly at its sixty-second session. The Assembly also invited the Secretary-General to submit a report at its sixty-second session on the implementation of the resolution.